



DANVILLE CITY COUNCIL REGULAR MEETING AGENDA

MUNICIPAL BUILDING

October 18, 2022

7:00 P.M.

PRESIDING: Alonzo L. Jones, Mayor

CITY COUNCIL MEMBERS: James B. Buckner
L.G. "Larry" Campbell, Jr.
Bryant Hood
Barry P. Mayo

Dr. Gary P. Miller, Vice Mayor
Sherman M. Saunders
J. Lee Vogler, Jr.,
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 - Sherman M. Saunders

PLEDGE OF ALLEGIANCE TO THE FLAG

ANNOUNCEMENTS AND SPECIAL RECOGNITIONS

Presentation: Partnership for Regional Prosperity
By: Beth Doughty

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 matters not listed on the agenda or on matters which do not have a public hearing, will be heard at this time. Citizens who desire to speak on agenda items that have a public hearing will be heard when the agenda item is considered and the public hearing is opened.

MEETING MINUTES

- A. Consideration of Approval of Minutes from Regular Council Meeting held on September 20, 2022.
Council Letter Number CL - 2855.

NEW BUSINESS

- A. Review of General Fund financial results through September 30, 2022.
Council Letter Number CL - 2821.
- B. Consideration of Releasing Existing Liens on Parcel #20340.
Council Letter Number CL - 2845.

A Resolution Approving and Authorizing the Release of City-Held Liens Against Real Property Identified as Parcel #20340 Colquhoun Street to Facilitate its Donation to the Danville Redevelopment and Housing Authority.

- C. Consideration of Amending the Danville City Code to Add Section 23-9.1 Entitled “Unpermitted Camping on City Property”.
Council Letter Number CL - 2846.

An Ordinance to Add Section 23-9.1 Entitled “Unpermitted Camping on City Property” to Chapter 23, Entitled “Offenses - Miscellaneous” of the Code of the City of Danville, Virginia.

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-2855

Meeting Minutes A.

City Council Regular Meeting

Meeting Date: 10/18/2022

Subject: Consideration of Approval of Meeting Minutes

From: Susan M. DeMasi, City Clerk

COUNCIL ACTION

Business Meeting: 10/18/2022

SUMMARY

Consideration of Approval of Minutes from Regular Council Meeting held on September 20, 2022.

Council Letter Number CL - 2855.

Attachments

Meeting Minutes

The Second Regular September meeting of the Danville City Council was held on September 20, 2022, 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., Bryant Hood, Mayor Alonzo L. Jones, Barry Mayo, Dr. Gary P. Miller, Sherman M. Saunders, J. Lee Vogler, Jr., and Madison J.R. Whittle (9).

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

Mayor Jones presided.

INVOCATION AND PLEDGE OF ALLEGIANCE

Council Member J. Lee Vogler, Jr., gave the Invocation followed by the Pledge of Allegiance.

ANNOUNCEMENTS AND SPECIAL PRESENTATIONS

Proclamation: Constitution Week

Presented to: Cathy Nesselrode, Regent, Dorothea Henry Chapter of the DAR

Mrs. Nesselrode, Mrs. Geyer, and Mrs. Davis of the Danville Dorothea Henry Chapter of the Daughters of the American Revolution (DAR), thanked Council for the opportunity to speak tonight. Mrs. Nesselrode explained that DAR was an organization that encouraged education and historic preservation in communities across the country. In 1956, President Eisenhower proclaimed September 17 through September 23 as Constitution Week each year. The DAR building in Washington, DC was the only memorial dedicated to the Constitution and was aptly named Constitution Hall. Mrs. Nesselrode thanked Council, Law Enforcement, Emergency Service Personnel, and all government employees for their service.

Mayor Jones asked all the young people to come forward and receive a pocket copy of the Constitution, and thanked Mrs. Nesselrode for attending and speaking.

Certificate of Recognition

Presented to: Britain "Hart" Beltran

Ms. Britain Beltran was presented with a Certificate of Recognition for representing the City of Danville in the area of bare-knuckle boxing. Council Member Buckner introduced Britain and her husband, and noted that when she walks out on sold out events, that over a million people hear "Danville, Virginia" because of Britain. Ms. Beltran thanked Council for recognizing her achievements, and that although she has never lived in Danville, Danville was where she truly feels at home, and drives every day from Bedford to Luck's Boxing Gym. She was inspired by Marcus Luck for being a hero, and not just teaching her, but driving through the City every day, finding kids who were by themselves and inviting them to the gym. Ms. Beltran stated that she was inspired to be someone who can be that inspiration to a child.

Council Member Saunders stated that he saw Britain and her husband at the ACE academy speaking to about ten children who were so impressed to see them; they provided the children with motivation. He heard several of them say "I can do that". Council appreciated that and thanked Ms. Beltran. Council Member Buckner thanked Britain for representing Danville the way that she does and for being a champion for this area. Council Member Hood also thanked them for taking the time to stop by the ACE academy and speak to the youth.

2022 Accreditation of the Danville Treasurer's Office
Presented by Sheila Williamson-Branch, Treasurer, City of Danville.

Ms. Williamson-Branch noted that the City of Danville Treasurer's Office received its accreditation from the Treasurer's Association of Virginia on June 13, 2022. The accreditation was a voluntary professional certificate program overseen by the Treasurer's Association of Virginia; there were seventy-five Treasurer offices that received the accreditation this year. While it was not required for any treasurer's office to be accredited, receiving the accreditation acknowledges that the office meets the statewide best practices for performance in treasury management. Mayor Jones thanked Ms. Williamson-Branch and her staff for everything they have done and continue to do for the citizens of Danville.

COMMUNICATIONS FROM VISITORS

Mayor Jones recognized Evelyn Riley, Executive Director of the Nonprofit Network, 126 Sutherlin Avenue, and Crosby, SERVE 365 Specialist.

Ms. Riley spoke to Council regarding the network and its mission of delivering support to ensure nonprofit excellence; Dan River nonprofits embody the best of the community. They provide opportunities for people to work together for a common good; they educate, shelter, feed, heal, and nurture their neighbors and friends. Since 2013, the nonprofit has operated as a central coordinator to build connections, increase capacity, and foster partnerships in the nonprofit sector to move towards a greater community collective impact. A volunteer portal has been created on the Serve 365 platform. This was a free, local volunteer portal that can be used for nonprofits to post needs and for volunteers to see; it can be accessed at [Serve365.com](https://www.Serve365.com).

CONSENT AGENDA

Mayor Jones opened the floor for a Public Hearing regarding the Consent Agenda items. Notice of the Public Hearing was published in the *Danville Register & Bee* on September 13, 2022. No one present desired to be heard and the Public Hearing was closed.

Council Member Campbell **moved** for adoption of the following Consent Agenda items:

Minutes from the Regular Council Meeting held on August 16, 2022. Draft copies of the minutes had been distributed prior to the meeting.

Consideration of Amending the Fiscal Year 2023 Budget Appropriation Ordinance to Provide for a Virginia Commission for the Arts Grant

An Ordinance entitled, Ordinance No. 2022-09.01, Amending the Fiscal Year 2023 Budget Appropriation Ordinance to Provide for a Virginia Commission for the Arts Grant in the Amount of \$4,500, and to Provide for the Local Share in the Amount of \$5,000 for a Total Appropriation of \$9,500.

Consideration of Amending the Fiscal Year 2023 Budget Appropriation Ordinance to Provide for Title III-B Grant Funds for Senior Transportation Services

An Ordinance Entitled, Ordinance No. 2022-09.02, Amending the Fiscal Year 2023 Budget Appropriation Ordinance by Increasing Certain Revenues to Provide for Title III-B Grant Funds and Local Share for Senior Citizen Transportation Services and Appropriating the Same.

Consideration of Amending the Fiscal Year 2023 Budget Appropriation Ordinance for State Department of Aviation Maintenance Grant Funds

An Ordinance entitled, Ordinance No. 2022-09.03, Amending the Fiscal Year 2023 Budget Appropriation Ordinance to Provide for State Department of Aviation Maintenance Grant Funds Related to the Maintenance of Certain Airport Properties in the Amount of \$40,000 and for the Local Share in the Amount of \$10,000 for a Total Appropriation of \$50,000 and Appropriating the Same.

Consideration of Amending the Fiscal Year 2023 Budget Appropriation Ordinance for a State Department of Aviation Grant to Promote Aviation Awareness

An Ordinance entitled, Ordinance No. 2022-09.04, Amending the Fiscal Year 2023 Budget Appropriation Ordinance to Provide for a State Department of Aviation Grant for the Purpose of Providing Funding to Promote Aviation Awareness at the Danville Regional Airport in the Amount of \$5,000 and for the Local Share in the Amount of \$5,000 to be Provided by the General Fund Support of Grants for a Total Appropriation of \$10,000 and Appropriating Same.

Consideration of Amending the Fiscal Year 2023 Budget Appropriation Ordinance for Additional Federal and State Aviation Funding to Rehabilitate the South Ramp at the Danville Regional Airport

An Ordinance entitled, Ordinance No. 2022-09.05, Amending the Fiscal Year 2023 Budget Appropriation Ordinance to Provide for Additional Federal and State Aviation Funding to Rehabilitate the South Ramp at the Danville Regional Airport in the Amount of \$1,830,412 and for the Local Share in the Amount of \$66,767 to be Provided by a Transfer from the General Fund Support of Special Grants Fund and Appropriating the Same.

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

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

APPOINTMENTS

CONSIDERATION OF AN APPOINTMENT TO THE COMMUNITY POLICY & MANAGEMENT TEAM

Council Member Miller **moved** for adoption of a Resolution entitled:

RESOLUTION NO. 2022-09.02

APPOINTING DEBORAH HARRIS TO THE DANVILLE COMMUNITY POLICY & MANAGEMENT TEAM AS THE DANVILLE PUBLIC SCHOOLS REPRESENTATIVE.

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

VOTE: 9-0
AYE: Buckner, Campbell, Hood, Jones, Mayo,

Miller, Saunders, Vogler and Whittle (9)
NAY: None

NEW BUSINESS

REVIEW OF GENERAL FUND FINANCIAL REPORTS THROUGH AUGUST 31, 2022

Director of Finance Michael Adkins gave the preliminary financial report for the first two months into the new 2023 Fiscal Year. Many of the year-end closing entries are dependent upon third-party reports from actuaries, insurance administrators, and others. They still have several outstanding items to prepare and post, but believe all material items were recorded at this time; Mr. Adkins noted that some balances will change. Unaudited results for the fiscal year ended June 30, 2022, show revenues at budget at 99.7%, reflecting a 2.6% increase or \$3M over the prior year. Revenue exceeded budgeted collections in property taxes, other local taxes, recovered cost, and shared expenses (categorical state aid). Expenditures show a positive budget variance, with actual expenditures totaling \$117.2M compared to the original budget of \$126.3M. The primary source of this positive variance relates to unexpended support to Danville Public Schools; these funds will be earmarked for the Schools and carried over to the next fiscal year as part of the restricted fund balance. Vacancy savings in all departments was a significant contributor to the remainder of the positive expenditure variance. Although they have positive budget variances, actual expenditures exceeded revenue by \$282,817. Due to an overall decrease in items comprising restricted, assigned and otherwise committed fund balance, approximately \$397,000 will be added to the unassigned fund balance. Current real estate tax revenue amounted to approximately \$18.6M through June 30, which represents 100.2% of the FY 2022 budget and essentially identical to the prior fiscal year's revenue. Delinquent real estate collections exceeded budget with \$1.1M, or 105%, realized for FY 2022. Current personal property tax collections were ahead of budget with collections through June 30 at \$12.7M or 110.5% of budget. Collection of delinquent personal property totaled \$1.3M surpassing the budget of \$976,000. Assessed values of personal property exceeded budgeted expectations, and the continued use of the outside collection agency produced very good results in the collection of delinquent accounts, both in real estate and personal property. The decrease of \$1.4M seen in Revenue from Use of Money relates primarily to the year-end market value adjustment on investments. These investments are held to maturity, so this loss from adjusting to market value was temporary, and will reverse over time. Charges for Services shows a decrease of \$427,574 from decreased charges for the Jail, Juvenile Detention, and Adult Detention services. A lower than usual census at the facilities resulted in lower costs as well. Local taxes collected through June 30 were \$32,703,085 or 107.7% of budget, and ahead of prior year-to-date collections of \$30,105,742. Sales tax collections through June amounted to \$10,884,581 or 118% of budget, an increase of \$706,092 from last year, reflecting the capture of online commerce and some inflationary effects. Meals taxes collected for the fiscal year amounted to \$10,076,387 or 106.3% of budget, an increase of \$1.2M from last year. The lifting of COVID-19 safety mandates in the final months of the prior fiscal year allowed restaurants to continue to operate closer to full capacity. Business Licenses realized at the end of June were \$5,928,912, an increase of \$55,718 from the prior year. Lodging taxes received as of June 30 were \$2,092,661, an increase of \$579,954 from the prior year and ahead of budget at 115.5%. Bank Stock tax revenues were ahead of both budget and the prior year at \$1,022,661. With the exception of utility taxes, vehicle license and DMV fees, all other consumer-driven taxes ended the fiscal year at or ahead of the prior year, and budget. Unaudited expenditures at June 30 were \$117,163,327 or 92.8% of budget. This was an increase of \$7M compared to June 2021, primarily due to budgeted carry-over transfers for schools along with increased costs associated with health insurance benefits. Departmental spending for the year was 92% of budget and showed an increase of \$3.1M from last year. The most significant increase was attributed to covering one

month of public safety salaries with CARES Act funding in the prior year along with smaller increases in general government and judicial. Non-departmental expenses mostly comprised of debt service and employee benefits increased \$1.3M over the prior year and were ahead of budget. The increase was attributable to costs associated with group health insurance. Total General Fund expenditures currently exceed revenues by \$282,817. Unassigned fund balance on June 30, 2022, was \$34.2M, compared to \$33.8M at June 30, 2021, an increase of nearly \$400,000. The Finance Department worked with Brown Edwards, the City's independent auditors in June on preliminary FY 2022 audit work. The auditors will complete final fieldwork in September. As the Finance Department completes the year-end closeout process, Mr. Adkins noted he will keep Council informed of the progress and any significant changes to the preliminary FY 2022 results.

Council Member Whittle asked if Mr. Adkins would be able to report the effect the Blue Ridge Rock Festival at VIR had on the City at the next financial review. Mr. Adkins stated that he would be able to provide that information; it takes about one month to see meals and lodging taxes and two months to see sales tax.

CONSIDERATION OF AUTHORIZING A NEGOTIATED LEASE AGREEMENT WITH DOC BROWN, LLC.

Mayor Jones opened the floor for a Public Hearing regarding a Lease Agreement with Doc Brown, LLC. Notice of the Public Hearing was published in the *Danville Register & Bee* on September 6, 2022 and September 13, 2022. No one present desired to be heard and the Public Hearing was closed.

Council Member Vogler **moved** for adoption of an Ordinance entitled:

ORDINANCE NO. 2022-09.06

AN ORDINANCE APPROVING AND AUTHORIZING A NEGOTIATED LEASE AGREEMENT WITH DOC BROWN, LLC FOR THE INSTALLATION AND OPERATION OF COMMERCIAL ENERGY STORAGE FACILITIES AT 864 MONUMENT STREET.

The Motion was **seconded** by Council Member Mayo and carried the following vote.

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

CONSIDERATION OF APPROVING AND AUTHORIZING THE RELEASE OF CITY-HELD LIENS AGAINST REAL PROPERTY IDENTIFIED AS PARCEL #20165, STOKES STREET

Council Member Buckner **moved** for adoption of a Resolution entitled:

RESOLUTION NO. 2022-09.03

A RESOLUTION APPROVING AND AUTHORIZING THE RELEASE OF CITY-HELD LIENS AGAINST REAL PROPERTY IDENTIFIED AS PARCEL #20165 STOKES STREET TO FACILITATE ITS TRANSFER TO NEW BETHEL BAPTIST CHURCH FOR USE AS A COMMUNITY GARDEN.

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

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

CONSIDERATION OF AUTHORIZING THE EXECUTION OF THE 2022 LOCUST RIDGE WIND ENERGY SCHEDULE WITH AMERICAN MUNICIPAL POWER, INC.

Council Member Vogler **moved** for adoption of a Resolution entitled:

RESOLUTION NO. 2022-09.04

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF DANVILLE, VIRGINIA APPROVING AND AUTHORIZING THE EXECUTION OF THE 2022 LOCUST RIDGE WIND ENERGY SCHEDULE WITH AMERICAN MUNICIPAL POWER, INC. AND TAKING OF OTHER ACTIONS IN CONNECTION THEREWITH .

The Motion was **seconded** by Council Member Miller and carried the following vote.

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

Council Member Whittle asked Director of Utilities, Jason Grey, to speak about this project. Mr. Grey noted this item was for wind energy starting October 1, to help with some of the volatility in the energy market. It was for a three-year term, rates were fixed and will not escalate. It was at a low cost and will help stabilize energy cost going into the winter. Mr. Whittle asked about the battery storage project, and Mr. Grey explained about 1,000 batteries arrived last week; about 90% of those have been installed, and the rest will be installed this week. They will start testing the system to get it online by the end of the month.

CONSIDERATION OF AUTHORIZING AND APPROVING AGREEMENTS BETWEEN THE DANVILLE SCHOOL BOARD, THE CITY OF DANVILLE, ENGLISH CONSTRUCTION AND BRANCH BUILDS FOR PRELIMINARY DESIGN SERVICES

Consideration of the Interim Agreement between the Danville School Board, the City of Danville and English Construction

Council Member Vogler **moved** for adoption of a Resolution entitled:

RESOLUTION NO. 2022-09.05

A RESOLUTION OF THE COUNCIL OF THE CITY OF DANVILLE VIRGINIA APPROVING AND AUTHORIZING THE INTERIM AGREEMENT BETWEEN THE SCHOOL BOARD OF THE CITY OF DANVILLE AND ENGLISH CONSTRUCTION COMPANY, INC. TO PERFORM PRELIMINARY DESIGN SERVICES FOR RENOVATIONS AND ADDITIONS TO GEORGE WASHINGTON HIGH SCHOOL, IN ACCORDANCE WITH VIRGINIA CODE § 56- 575.16(5).

The Motion was **seconded** by Council Member Mayo and carried the following vote.

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

Consideration of the Interim Agreement between the Danville School Board, the City of Danville and Branch Builds, Inc.

Council Member Vogler **moved** for adoption of a Resolution entitled:

RESOLUTION NO. 2022-09.06

A RESOLUTION OF THE COUNCIL OF THE CITY OF DANVILLE, VIRGINIA APPROVING AND AUTHORIZING THE INTERIM AGREEMENT BETWEEN THE SCHOOL BOARD OF THE CITY OF DANVILLE AND BRANCH BUILDS, INC. TO PERFORM PRELIMINARY DESIGN SERVICES FOR A NEWLY CONSTRUCTED G.L.H. JOHNSON ELEMENTARY SCHOOL, IN ACCORDANCE WITH VIRGINIA CODE § 56-575.16(5).

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

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

CONSIDERATION OF APPROVING A MORAL OBLIGATION SUPPORT AGREEMENT WITH VIRGINIA COMMUNITY CAPITAL

Council Member Campbell **moved** for adoption of a Resolution entitled:

RESOLUTION NO. 2022-09.07

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF DANVILLE, VIRGINIA, APPROVING A MORAL OBLIGATION SUPPORT AGREEMENT WITH THE INDUSTRIAL DEVELOPMENT AUTHORITY OF DANVILLE, VIRGINIA

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

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

Council Member Whittle asked for an explanation of this item, and Mr. Whitfield stated the Danville City IDA and Pittsylvania County IDA were doing a joint project in the Cyber Park; the cost of this project was split 50/50. The City has a \$1M grant to help pay for it. Staff was currently going through the loan contracts and Council had already approved a moral obligation for this project. When the VCC lawyers got in they were not satisfied with it and asked to bring this back to be passed. What Council was doing was guaranteeing what will eventually be a loan of about \$1M. Council Member Vogler stated it was the shell building that was being built in the Cyber Park.

CONSIDERATION OF AMENDING THE MEMBERSHIP OF THE PARTNERSHIP FOR REGIONAL PROSPERITY'S STEERING COMMITTEE

Council Member Buckner **moved** for adoption of a Resolution entitled:

RESOLUTION NO. 2022-09.08

A RESOLUTION SUPPORTING THE AMENDMENT TO THE PARTNERSHIP FOR REGIONAL PROSPERITY, FORMALLY THE DANVILLE-PITTSYLVANIA ECONOMIC DEVELOPMENT ALLIANCE STEERING COMMITTEE

The Motion was **seconded** by Council Member Mayo and carried the following vote.

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

CONSIDERATION OF AMENDING THE FISCAL YEAR 2023 BUDGET APPROPRIATION ORDINANCE FOR A GRANT FROM THE VIRGINIA DEPARTMENT OF HISTORIC RESOURCES IN THE AMOUNT OF \$38,500 FOR A CITY-WIDE PRESERVATION PLAN

Upon **Motion** by Council Member Campbell and **second** by Council Member Whittle, an Ordinance entitled:

ORDINANCE NO. 2022-09.07

AN ORDINANCE AMENDING THE FISCAL YEAR 2023 BUDGET APPROPRIATION ORDINANCE TO PROVIDE FOR A GRANT FROM THE VIRGINIA DEPARTMENT OF HISTORIC RESOURCES IN THE AMOUNT OF \$26,950 AND LOCAL MATCH IN THE AMOUNT OF \$11,550 FOR A TOTAL GRANT IN THE AMOUNT OF \$38,500 AND APPROPRIATING THE SAME.

was presented by its **First Reading**, as required by City Charter, to lie over before final adoption.

CONSIDERATION OF AMENDING THE FISCAL YEAR 2023 BUDGET APPROPRIATION ORDINANCE FOR A DEPARTMENT OF HISTORIC RESOURCES GRANT IN THE AMOUNT OF \$18,209 FOR THE FREEDMEN'S CEMETERY PROJECT

Upon **Motion** by Council Member Buckner and **second** by Council Member Mayo, an Ordinance entitled:

ORDINANCE NO. 2022-09.08

AN ORDINANCE AMENDING THE FISCAL YEAR 2023 BUDGET APPROPRIATION ORDINANCE TO PROVIDE FOR A GRANT FROM THE DEPARTMENT OF HISTORIC RESOURCES IN THE AMOUNT OF \$12,709 AND A LOCAL MATCH IN THE AMOUNT OF \$5,500 FOR A TOTAL AMOUNT OF \$18,209 AND APPROPRIATING THE SAME.

was presented by its **First Reading**, as required by City Charter, to lie over before final adoption.

CONSIDERATION OF AMENDING THE FISCAL YEAR 2023 BUDGET APPROPRIATION ORDINANCE FOR A VICTIM WITNESS PROGRAM GRANT

Upon **Motion** by Council Member Buckner and **second** by Council Member Whittle, an Ordinance entitled:

ORDINANCE NO. 2022-09.09

AN ORDINANCE AMENDING THE FISCAL YEAR 2023 BUDGET APPROPRIATION ORDINANCE TO PROVIDE FOR A GRANT FROM THE DEPARTMENT OF HISTORIC RESOURCES IN THE AMOUNT OF \$12,709 AND A LOCAL MATCH IN THE AMOUNT OF \$5,500 FOR A TOTAL AMOUNT OF \$18,209 AND APPROPRIATING THE SAME.

was presented by its **First Reading**, as required by City Charter, to lie over before final adoption.

COMMUNICATIONS

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

Council Member Campbell stated that Council Member Whittle and himself were liaisons for Council to the schools. They were very concerned about the actions of the youth there lately. He remembered when he was in school, all it took was a phone call for him to straighten up. He wanted Dr. Hairston to know that Council was concerned. This was not the example that Danville wants to have; they can do better.

Council Member Hood wanted to thank every citizen in Danville that supports the way Danville was going. It was taking a lot of time and effort but they were moving and growing. Citizens come from different backgrounds but once you put it all together and understand the core values that they stand for in Danville, it was an awesome place. Council Member Vogler came up with the Comeback City and they were always going to be that.

Council Member Mayo noted his agreement with Council Member Hood, the Comeback City and the Destination City, that was what it was all about. Citizens, City Staff, and Council were doing a great job and they will continue to push forward. On November 1st there will be an All Citizens Job and Resource Fair, held at the Danville Community Market. The City has partnered with DCC, there were over 760 jobs available and every employer was looking for help. Mr. Mayo encouraged citizens to mark their calendars, bring their resumes, and come out.

Vice Mayor Miller stated he spoke with the City Manager while he was in Columbus, OH today. The City Manager commented on the walking trails and how much nicer the trails were in the City. Dr. Miller noted Council appreciated the Tunstall students in attendance this evening. He attended Bibleway Church and heard a sermon from Apostle Campbell, and if people have not heard him they need to go and listen to him, it was very moving.

Council Member Saunders thanked Council Member Buckner for bringing in Britain Beltran as well as Council Member Hood for ACE academy. He also thanked Mr. Hood for all that he does; his energy was amazing as well as his connection with young people. He thanked Sheila Williamson-Branch for having her office certified. Mr. Saunders stated that the City was growing and continues to grow, and thanked the Mayor for his dedication to the City.

Council Member Vogler gave a shout out to VCU, they have a great team up there. City Council was a team and they collectively work as a unit. In the ten years he has been there, he has never seen Council as in sync with one another as they were now; he was honored to serve with each of them. There were things they could do better, and they should always strive to do better; he never wants them to be at a place where they say they have done all they can do, they can't do any better than that. If they do then they don't need to be here. Every day they ask what they can do and what can be better; each of them inspire him each and every day.

Council Member Whittle asked the City Attorney, there were Council members that sit on different boards, if something was discussed in closed session he should be able to have a conversation on that matter if it concerns a City matter that another Council Member needs to know about. Mr. Whitfield stated anything discussed in a closed session meeting cannot be discussed outside the meeting with members who were not in the closed session meeting, that was State law. Council Member Vogler stated pertaining to RIFA, confidentiality agreements have to be signed for meetings.

Mayor Jones stated that during a breakfast at the IALR, Mayor Jones asked Dr. Hairston if she had any objection to him touring the schools and she said not at all. He and Council Member Hood started at Grove Park, everyone was phenomenal, the schools were clean, and staff were awesome. The children all came running and wanting to take pictures. They received the same response at all the schools. They went to G.W., the security was phenomenal, but the principal commented on social media beating them down. They ate lunch in the cafeteria and a young man came and sat with them. Mayor Jones noted to Dr. Hairston, he knows it has not been easy, he knows what she has been through, and it was not easy; she has overcome challenges. He thanked everyone that supported and continues to support the schools.

Meeting adjourned at 8:12 pm.

APPROVED:

MAYOR

ATTEST:

CITY CLERK

Council Letter

City of Danville, Virginia



CL-2821

New Business A.

City Council Regular Meeting

Meeting Date: 10/18/2022

Subject: General Fund Monthly Financial Report

From: Michael Adkins, Director of Finance

COUNCIL ACTION

Business Meeting: 10/18/2022

SUMMARY

A brief report on the General Fund financial results through September 30, 2022, will be given. Financial statements are included.

Attachments

Financial Statements



To: Ken F. Larking, City Manager

From: Michael L. Adkins, Chief Financial Officer

Date: October 7, 2022

Subject: Summary of Preliminary General Fund Financial Results for September 30, 2022

After completing the first quarter of the new fiscal year, revenues are ahead of the previous year. As of September 30, General Fund revenues were \$21,779,580. This represents 18.05% of our FY 2023 budget. Last year at this time, we had collected \$20,001,873 or 17.3% of budget. In the prior year, the timing of revenues from the Commonwealth resulted in a temporary decrease of about \$700,000 in Non-Categorical Aid (State). The remainder of the increase over last year is primarily from growth in local taxes, as well as permitting fees related to the casino and an increase in interest on investments.

We continue to see steady performance in the collection of delinquent real estate taxes with \$407,719 realized in the first three months of this fiscal year. This accounts for 45.3% of the current year budget. Tax bills for FY 2023 will be mailed in November and we will begin realizing collection of current real estate and personal property taxes at that time. Local taxes collected through September 30, were \$7,266,673, or 23.0% of budget. This exceeds FY 2022 collections by \$752,160.

Regarding local taxes, sales tax collections through September amounted to \$28,808,107, or 25.6% of budget, an increase of \$149,915 from last year. Meals taxes collected for the first three months of the fiscal year amounted to \$2,726,598 or 28.7% of budget, an increase of \$241,841 from last year. Business Licenses realized at the end of September were \$467,656, an increase of \$158,299 from the prior year. Lodging taxes received as of September 30, were \$681,110 or 33.6% of budget, an increase of \$170,613 from the prior year. All other revenue categories are tracking well with budget at this point.

Expenditures through September 30 were \$34,276,489 or 27.04% of budget. This is an overall decrease of \$747,776 when compared to September 30, 2021. The net decrease in transfers to schools of \$3,499,899 at the end of September is offset in part by an increase of \$2,106,927 in departmental expenditures attributed to the timing of payments for maintenance service contracts within general government and an increase in public safety of approximately \$991,000 for budgeted purchases of vehicles, increases in labor and benefits, along with operating expenses related to the new headquarters. The

increase in non-departmental expenditures is a combination of an increase in debt service and a transfer to the employee retirement system for the retiree bonus.

Fund expenditures exceeded revenues by \$12,496,909, an improvement of \$2,535,483 when compared to the prior fiscal year. This is typical for the start of the fiscal year in the General Fund because the timing of the revenue recognition is not matched to expenditures. At this point, the General Fund is performing as expected.

CITY OF DANVILLE, VIRGINIA

GENERAL FUND REPORT

25% OF YEAR LAPSED AS OF SEPTEMBER 30, 2022

PRE-CLOSING FIGURES - SUBJECT TO CHANGE - UNAUDITED

	Budgets & Appropriations For Current Year	Actual Revenues & Expenditures For Year-to-Date	Percent Realized/Expended This Year	Encumbrances	Balance to be Realized/Expended	Actual Revenues & Expenditures At This Date Last Year
REVENUES:						
Property Taxes	\$ 36,963,520	\$ 2,194,566	5.94%		\$ 34,768,954	\$ 2,144,618
Other Local Taxes	31,579,500	7,266,673	23.01%		24,312,827	6,514,513
License Permits & Privilege Fees	283,330	193,390	68.26%		89,940	58,940
Fines & Forfeitures	299,600	61,725	20.60%		237,875	50,080
Revenue From Use Money & Property	696,940	456,920	65.56%		240,020	169,335
Charges For Services	3,389,630	806,386	23.79%		2,583,244	708,264
Miscellaneous Revenue	44,750	92,210	206.06%		(47,460)	84,804
Recovered Cost	8,490,570	2,017,217	23.76%		6,473,353	1,935,465
Non-Categorical Aid	5,528,740	1,437,875	26.01%		4,090,865	1,370,906
Shared Expenses (Categ. Aid State)	5,637,550	1,297,855	23.02%		4,339,695	1,216,410
Categorical Aid (State)	10,048,080	2,077,513	20.68%		7,970,567	1,210,925
Emergency Services (Federal)	27,020	-	0.00%		27,020	-
Categorical Aid (Federal)	-	-			-	-
Transfers From Utilities/Other Funds	17,673,000	3,877,249	21.94%		13,795,751	4,537,613
TOTAL REVENUES	\$ 120,662,230	\$ 21,779,580	18.05%		\$ 98,882,650	\$ 20,001,873
EXPENDITURES:						
General Government Administration	\$ 13,283,994	\$ 4,243,585	31.95%	\$ 762,390	\$ 8,278,019	\$ 3,437,285
Judicial Administration	8,358,031	1,969,458	23.56%	47,621	6,340,952	1,987,576
Public Safety	36,946,805	8,151,634	22.06%	800,293	27,994,878	7,160,659
Public Works	5,080,177	1,149,494	22.63%	284,523	3,646,160	1,029,321
Health, Education, Welfare & Soc. Svc.	9,538,774	1,612,916	16.91%	86,507	7,839,350	1,455,837
Parks, Recreation & Cultural	5,842,651	1,137,283	19.47%	46,861	4,658,507	1,086,765
Community Development	2,719,827	517,097	19.01%	137,980	2,064,751	363,697
Non-Departmental	16,117,970	5,384,328	33.41%	-	10,733,642	3,790,081
Transfer to Schools - Operating	26,300,818	9,945,415	37.81%	16,355,403	-	13,445,315
Transfer to Capital Projects	945,000	165,000	17.46%	-	780,000	610,080
Transfer to Other Funds	1,647,930	280	0.02%	-	1,647,650	667,650
TOTAL EXPENDITURES	\$ 126,781,977	\$ 34,276,489	27.04%	\$ 18,521,578	\$ 73,983,910	\$ 35,034,265
Revenue over(under) Expenditures		<u>\$ (12,496,909)</u>				<u>\$ (15,032,392)</u>
FUND BALANCE:						
Beginning Fund Balance 07/01/2022		\$ 46,401,528				\$ 47,094,310
Revenue over(under) Expenditures		(12,496,909)				(15,032,392)
Ending Fund Balance 09/30/2022		<u>\$ 33,904,619</u>				<u>\$ 32,061,918</u>
Composition of Fund Balance:						
Reserved for Encumbrances/Designated Funds		\$ 22,587,216				\$ 12,920,055
Unassigned		<u>11,317,403</u>				<u>19,141,863</u>
TOTAL FUND BALANCE 09/30/2022		<u>\$ 33,904,619</u>				<u>\$ 32,061,918</u>

City of Danville, Virginia
Summary of Other Local Tax Revenues - PRE-CLOSING - UNAUDITED
For the period ending September 30, 2022

Description	Current Budget	Revenue Realized	Percentage Realized	Prior Year Budget	Prior Year Realized	Percentage Prior Year
Sales Tax	\$ 10,962,050	\$ 2,808,107	25.62%	\$ 10,115,880	\$ 2,658,192	26.28%
Business Licenses	5,430,000	467,656	8.61%	5,450,000	309,357	5.68%
Meals Tax	9,500,000	2,726,598	28.70%	8,471,320	2,484,757	29.33%
Utility Taxes	930,000	222,864	23.96%	940,000	227,745	24.23%
Vehicle License Fees	1,000,000	144,245	14.42%	1,000,000	132,725	13.27%
Bank Stock Tax	1,000,000	-	0.00%	940,000	-	0.00%
Recordation Tax	270,000	108,343	40.13%	200,000	100,486	50.24%
Hotel Motel Tax	2,025,080	681,110	33.63%	1,511,630	510,497	33.77%
Daily Property Rental Tax	12,370	5,700	46.08%	13,200	4,182	31.68%
Motor Vehicle Tax	200,000	57,770	28.88%	162,000	53,755	33.18%
DMV Fees	250,000	44,281	17.71%	260,000	32,818	12.62%
TOTAL	\$ 31,579,500	\$ 7,266,673	23.01%	\$ 29,064,030	\$ 6,514,513	22.41%

**CITY OF DANVILLE, VIRGINIA
GENERAL FUND
COMPOSITION OF FUND BALANCE
PRELIMINARY - AS OF SEPTEMBER 30, 2022**

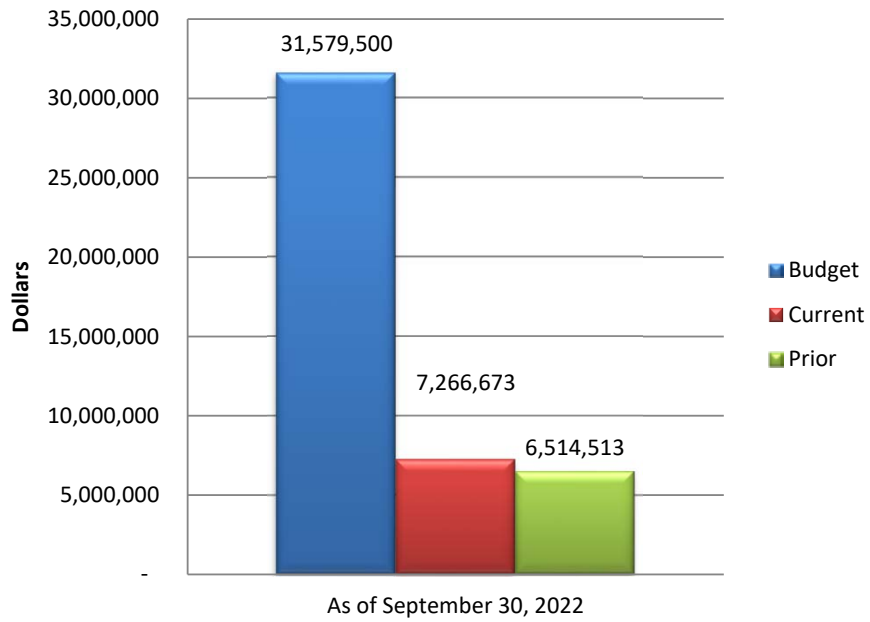
Beginning Total Fund Balance, July 1, 2022	46,401,528.32
Add: General Fund Revenues	21,779,579.85
Deduct: General Fund Expenditures	<u>(34,276,489.12)</u>
Ending Total Fund Balance, September 30, 2022	<u><u>33,904,619.05</u></u>

Composition of Fund Balance:

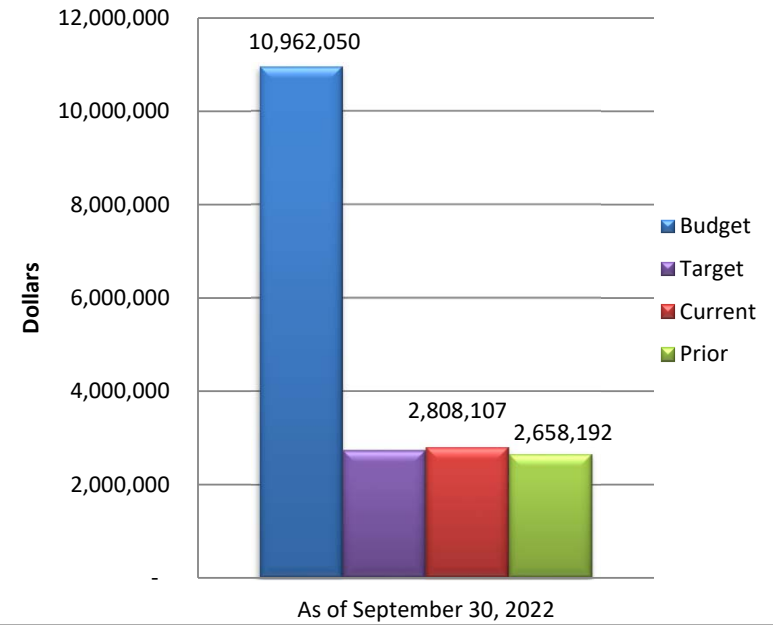
Restricted for Commonwealth Attorney	103,683.31
Restricted for Police Department	42,835.76
Restricted for Fire Department	134,937.12
Committed for Sheriff's Department	49,631.50
Committed to Schools	16,355,402.88
Committed to Budget Stabilization	3,000,000.00
Assigned to Sheriff's Department	7,170.14
Assigned to Community Development	35,970.70
Assigned for Encumbrances	2,166,175.34
Nonspendable (Inventory and Prepaids)	691,409.36
UNASSIGNED	<u>11,317,402.94</u>
Total Fund Balance, September 30, 2022	<u><u>33,904,619.05</u></u>

Unassigned fund balance from above	11,317,402.94
Unassigned Minimum per policy (20% of General Fund Operating Revenues) based on FY 2022 budget	<u>24,132,446.00</u>
Current surplus (deficit) over (under) minimum	(12,815,043.06)

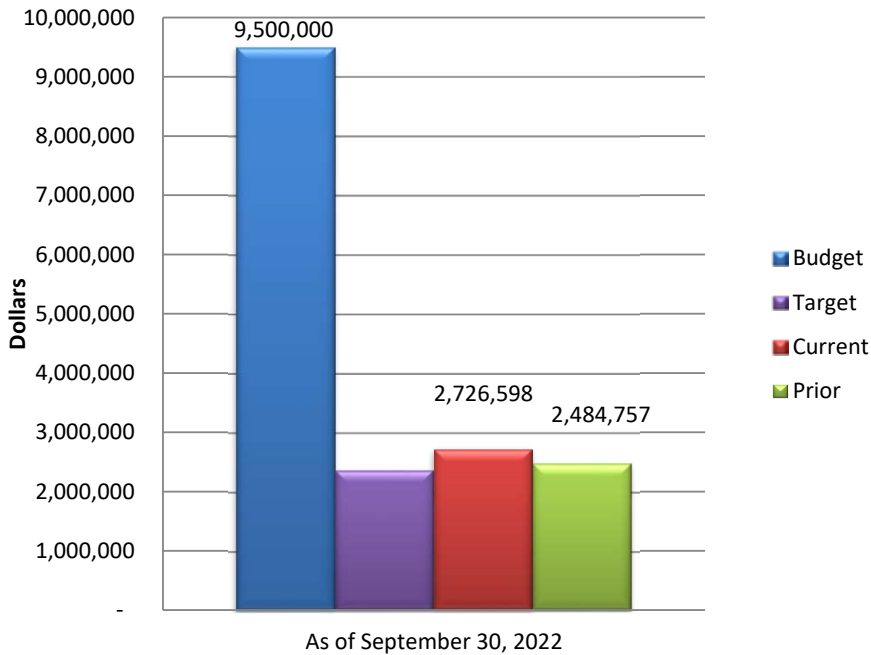
Local Taxes



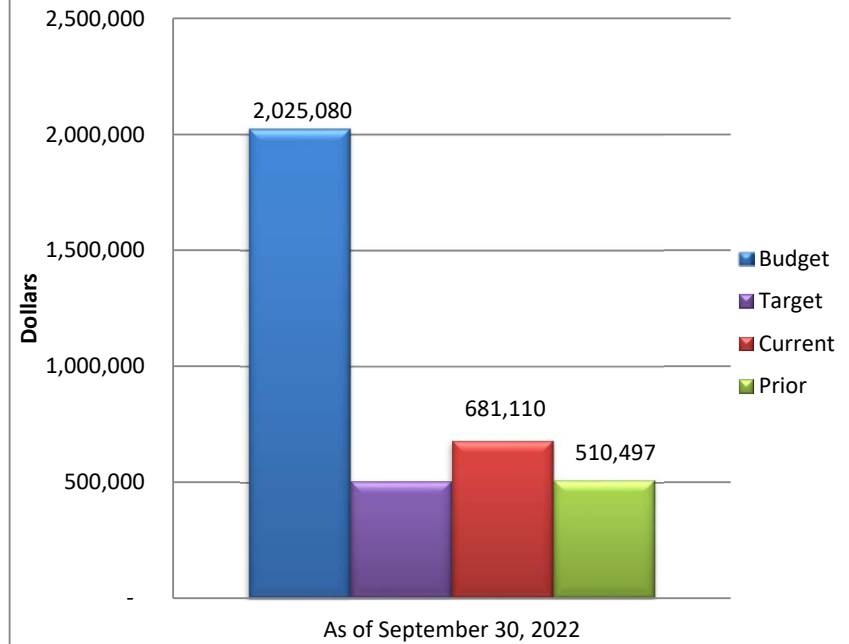
Sales Tax

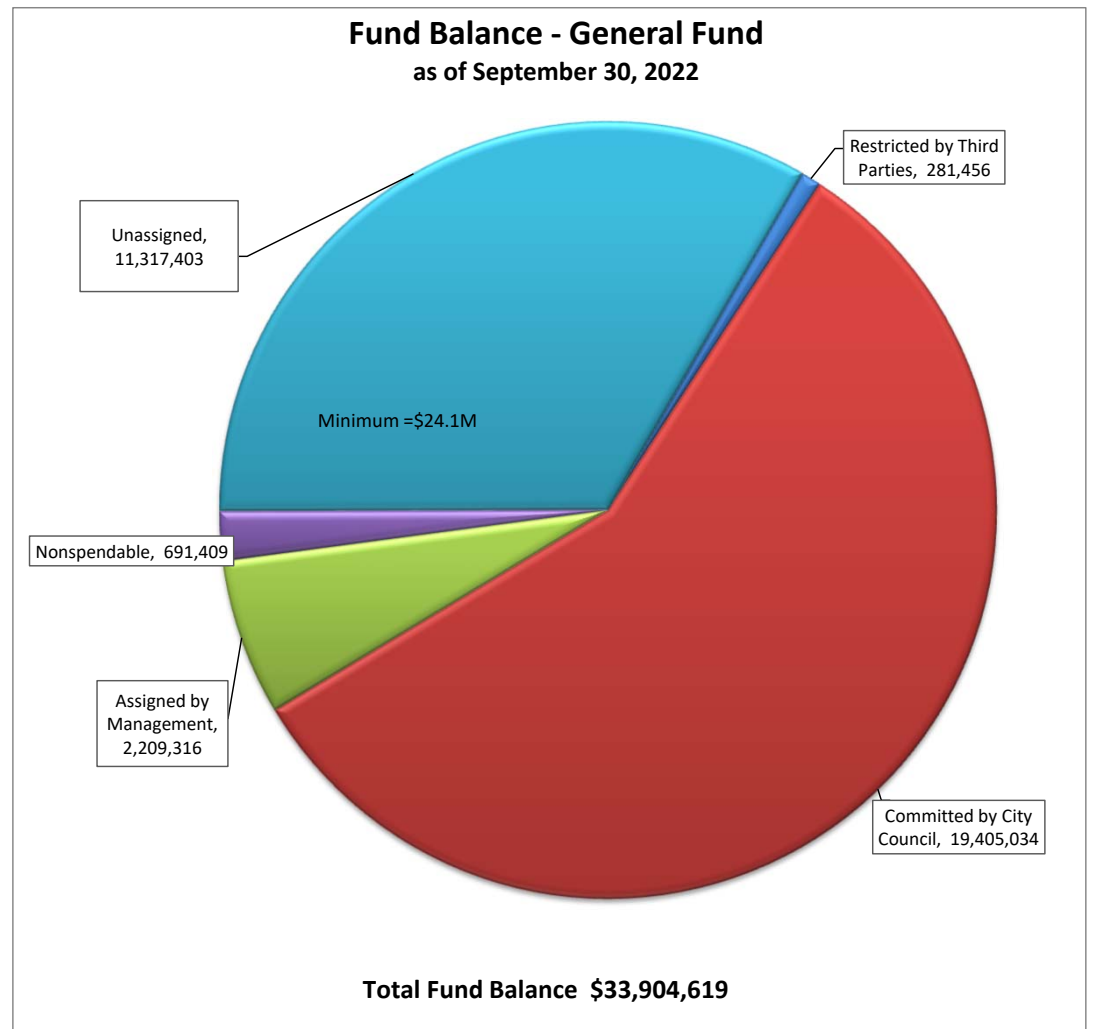
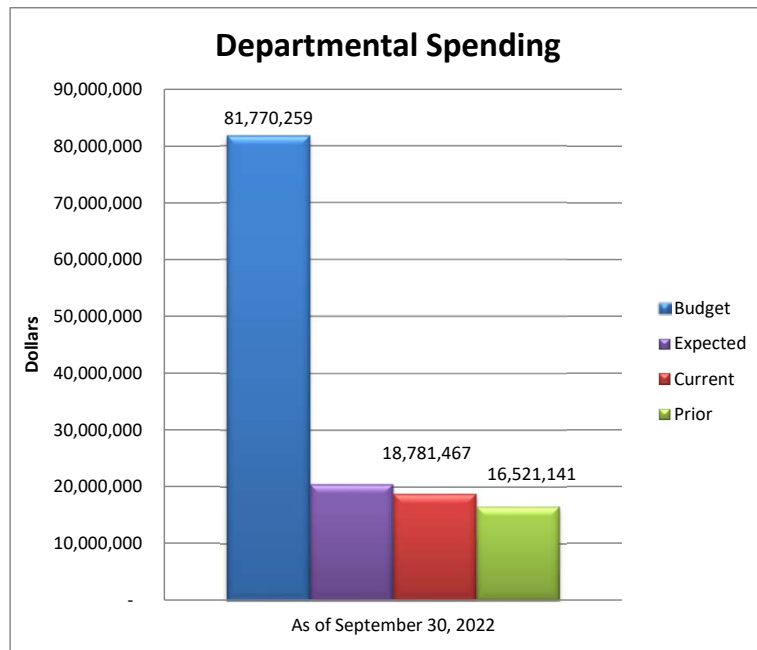
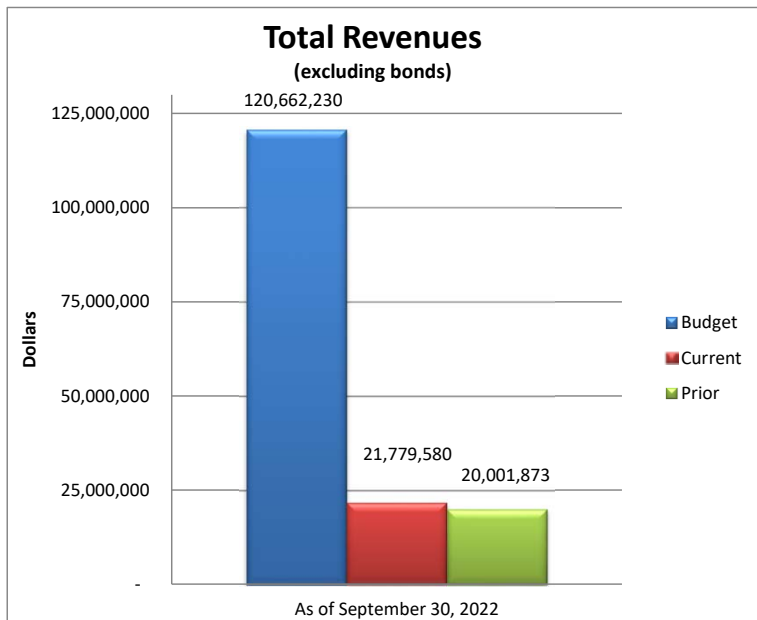


Meals Tax



Lodging Tax





Council Letter

City of Danville, Virginia



CL-2845

New Business B.

City Council Regular Meeting

Meeting Date: 10/18/2022

Subject: Consideration of Releasing Liens on Parcel #20340 on Colquhoun Street.

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

COUNCIL ACTION

Business Meeting: 10/18/2022

SUMMARY

City Staff is seeking approval from City Council to release twelve (12) nuisance abatements, and associated costs and delinquencies, affecting one (1) parcel of land on Colquhoun Street to facilitate its donation to the Danville Redevelopment and Housing Authority.

BACKGROUND

The City currently holds approximately \$5,000.00 in nuisance abatement liens, and associated collection costs and interest, against one (1) Parcel on Colquhoun Street near the W.W. Moore Detention Home, identified as Parcel #20340. The liens and costs greatly exceed the market value of the Parcel, which is presently assessed at \$1,200.00.

The nuisance abatement liens relate to grass cuttings dating from 2002 to 2016. The present owners of the Parcel wish to donate the land to the DRHA to assist with the improvement of the Monument-Berryman Master Plan in exchange for the release of the delinquencies and liens. Partnering with the DRHA on this furthers the City's goals of blight eradication and encouraging the productive use of real property. The donation is dependent upon the City releasing the recorded nuisance abatement liens and associated costs to allow clear title to transfer.

Under State law, City Council can release nuisance abatement liens to facilitate the transfer of an otherwise unmarketable lot. City Staff has determined that releasing the outstanding nuisance abatement liens to facilitate the property transfer would be of benefit to the City by eliminating likely future maintenance costs, increasing the taxable value and productive use of the Parcel, and assisting the DRHA in revitalizing the Monument-Berryman conservation area.

RECOMMENDATION

City staff recommends releasing existing liens and associated collection costs and interest affecting Parcel #20340, contingent upon the actual transfer of the Parcel to the DRHA.

Attachments

Resolution

PRESENTED: _____

ADOPTED: _____

RESOLUTION NO. 2022-____.____

A RESOLUTION APPROVING AND AUTHORIZING THE RELEASE OF CITY-HELD LIENS AGAINST REAL PROPERTY IDENTIFIED AS PARCEL #20340 COLQUHOUN STREET TO FACILITATE ITS DONATION TO THE DANVILLE REDEVELOPMENT AND HOUSING AUTHORITY.

WHEREAS, the City of Danville, in furtherance of its duty to protect the health and safety of the community, has recorded thirteen (13) liens total at the Circuit Court cumulatively against Parcel #20340 on Colquhoun Street since 2002 for nuisance abatement services totaling approximately \$5,000; and

WHEREAS, the city-held liens greatly exceed the tax assessed value of Parcel #20340, and otherwise cloud legal title to Parcel #20340, making the lot presently unmarketable; and

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

WHEREAS, the present owners of this Parcel desires to donate the property to the Danville Redevelopment and Housing Authority (DRHA) to assist in the eradication of blight and redevelopment of the Monument-Berryman conservation area that links Danville's Tobacco Warehouse and Old West End Historic Districts with the historic Almagro Community in exchange for the release of delinquent taxes and associated fees owed upon the Parcel; and

WHEREAS, it is a goal of the Council of the City of Danville to partner with members of the community where possible to achieve worthwhile community goals; and

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

NOW THEREFORE, BE IT RESOLVED, by the City Council of Danville, Virginia that all that all delinquent taxes, abatement charges, City-held liens, and associated

collection costs and interest of record against Parcel #20340 be released to facilitate its donation to the DRHA for the purpose of revitalizing the Monument-Berryman community, provided such transfer actually occurs.

APPROVED:

Mayor

ATTEST:

City Clerk

Approved as to
Form and Legal Sufficiency:

City Attorney

Council Letter

City of Danville, Virginia



CL-2846

New Business C.

City Council Regular Meeting

Meeting Date: 10/18/2022

Subject: Consideration of Amending Danville City Code Regarding Unpermitted Camping.

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

COUNCIL ACTION

Business Meeting: 10/18/2022

SUMMARY

City Staff is seeking approval from City Council to adopt an ordinance prohibiting camping on City properties, except in permitted camping areas.

BACKGROUND

The City is responsible for managing public streets, sidewalks, and other public property within the boundaries of the City. This duty includes keeping streets and sidewalks open and free from potential obstructions that could cause injury as well as preventing misuse of and damage to public property that can jeopardize the health, safety, and general welfare of the public. A potential source of public property obstruction, misuse, and damage is outdoor camping in unpermitted areas.

The Cities of Roanoke and Bristol passed ordinances to prohibit camping on public property in unpermitted locations earlier this year. Passing a similar ordinance in Danville would give the Police and other City staff tools to prevent potential issues related to unpermitted camping, including street and sidewalk obstructions as well as damage to City property, and dangerous conditions faced by unpermitted campers. The proposed ordinance would also require any police officer enforcing the ordinance to provide information on available shelters and other forms of assistance available to persons in need. This information would be printed on ticket books and could easily be given out to help direct persons in need to safe facilities.

RECOMMENDATION

City staff recommends adopting the attached ordinance prohibiting unpermitted camping on City property.

Attachments

Ordinance

PRESENTED: _____

ADOPTED: _____

ORDINANCE NO. 2022-____.____

AN ORDINANCE TO ADD SECTION 23-9.1 ENTITLED "UNPERMITTED CAMPING ON CITY PROPERTY" TO CHAPTER 23, ENTITLED "OFFENSES - MISCELLANEOUS" OF THE CODE OF THE CITY OF DANVILLE, VIRGINIA.

BE IT ORDAINED by the Council of the City of Danville, that section 23-9.1 entitled "Unpermitted camping on City property" is hereby added to Chapter 23 entitled "Offenses - Miscellaneous" of the Code of the City of Danville, Virginia, 1986, and ordained to read as attached hereto and made a part hereof, as if fully set forth herein.

APPROVED:

Mayor

ATTEST:

City Clerk

Approved as to
Form and Legal Sufficiency:

City Attorney

Sec. 23-9.1. – Unpermitted camping in public.

- (a) Except as otherwise provided by law, it shall be unlawful and a Class 4 misdemeanor for any person to camp on any street, bridge, underpass, sidewalk, alley, right-of-way, park, trail, building or part thereof, or other public property of the City or any public easement of any description without a permit from the City Manager, unless such area is designated for sleeping or camping. Camping in violation of this section is hereby declared to be a public nuisance.
- (b) For purposes of this section *camp* means the use of any City street, bridge, underpass, sidewalk, alley, right-of-way, park, trail, building or part thereof, or other public property or public easement for living accommodation activities such as sleeping or lying down, and making preparations to sleep such as the laying down of any bedding, sleeping bag, or other sleeping matter, for the purpose of sleeping, or storing personal belongings, or making any unpermitted fire, or using any tent or similar camping shelter. The above listed activities shall constitute camping when it reasonably appears, in light of all circumstances, that the person, in conducting these activities, is in fact using the public property as a living accommodation regardless of the intent of the person or the nature of any other activities in which he may also be engaging.
- (c) This section shall not apply to any person who is on a City street, bridge, underpass, sidewalk, alley, right-of-way, park, trail, building or part thereof, or other public property or public easement if the person is suffering from a medical emergency or the physical manifestation of a disability, sitting at a bus stop while waiting for transportation, sleeping inside a motor vehicle, or participating in activities at a demonstration, parade, or special event if such activities do not obstruct the safe passage of motor vehicle or pedestrian traffic or the use of public property for its intended purpose.
- (d) Prior to charging any person under this section for unpermitted camping, such person shall be given a verbal warning to cease such activity and reasonable time to comply with such warning, as well as information on alternative accommodations such as available homeless shelters and campgrounds, the location of any designated sleeping or camping areas, and public and charitable programs that offer housing assistance.