DANVILLE CITY COUNCIL REGULAR MEETING AGENDA

REVISED

MUNICIPAL BUILDING

October 4, 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.

<u>Time and Place of Meeting</u>
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.

<u>Communications from Visitors</u>
Communication from Visitors is an opportunity for citizens to address Council on matters <u>not</u> 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.

<u>Guidelines for Public Hearings</u>

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 - Vice Mayor Gary P. Miller

PLEDGE OF ALLEGIANCE TO THE FLAG

ANNOUNCEMENTS AND SPECIAL RECOGNITION

Presentation: Danville Community College
By: Jerry Wallace, President, Danville Community College

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.

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. Consideration of Approval of Minutes from Regular Council Meeting held on September 6, 2022.
Council Letter Number CL - 2848.

B. Consideration of Amending the Fiscal Year 2023 Budget Appropriation Ordinance for a Victim Witness Program Grant.
Council Letter Number CL - 2830.

An Ordinance Amending the Fiscal Year 2023 Budget Appropriation Ordinance to Provide for a Grant from the Commonwealth of Virginia for a Victim Witness Program in the Amount of $177,083 and Appropriating Same.
FINAL ADOPTION

C. Consideration of Amending the Fiscal Year 2023 Budget Appropriation Ordinance for a Grant from the Virginia Department of Historic Resources for a City-Wide Preservation Plan. Council Letter Number CL - 2835.

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.
FINAL ADOPTION

D. Consideration of Amending the Fiscal Year 2023 Budget Appropriation Ordinance for a Department of Historic Resources Grant for the Freedman's Cemetery Project. Council Letter Number CL - 2836.

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.
FINAL ADOPTION

NEW BUSINESS

A. Consideration of the Issuance of General Obligation Bonds by the City of Danville. Council Letter Number CL - 2841.

Resolution Providing for the Issuance, Sale and Award by the City of Danville, Virginia, of One or More Series of General Obligation Public Improvement Bonds, Heretofore Authorized, and Providing for the Form, Details and Payment of Such Bonds.

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-2848 **Consent Agenda A.**

City Council Regular Meeting

Meeting Date: 10/04/2022

Subject: Consideration of Approval of Meeting Minutes

From: Susan M. DeMasi, City Clerk

COUNCIL ACTION

Business Meeting: 10/04/2022

SUMMARY

Consideration of Approval of Minutes from Regular Council Meeting held on September 6, 2022.
Council Letter Number CL - 2848.

Attachments

Meeting Minutes

The Regular September meeting of the Danville City Council was held on September 6, 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). *Mr. Whittle entered the meeting at 7:08 p.m.*

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

Council Member L.G. “Larry” Campbell, Jr., gave the Invocation followed by the Pledge of Allegiance.

ANNOUNCEMENTS AND SPECIAL PRESENTATIONS

Proclamation: National Suicide Prevention Week
Presented to: Lori Eanes

Ms. Eanes accepted the Proclamation and stated that the 9-8-8 number was advocated, not just as a number, but an entire system of care. This was put in place to keep people out of the emergency room and in a crisis center. It was a wrap around approach to find out what people need and how to help them. Ms. Eanes thanked Council for all that they do.

Recognition: Ms. Virginia Volunteer
Presented to: Katie Clatterbuck, Miss Virginia Volunteer

Ms. Clatterbuck was presented with a Certificate of Recognition for her volunteer work in the Danville Community, and thanked Council for the recognition. She discussed her experiences working in Danville and the region, and commended the City on the spirit of community that it encompasses. She stated that she would not only be representing the state of Virginia on the stage, but she would also be representing the amazing City of Danville as well.

COMMUNICATIONS FROM VISITORS

Mayor Jones recognized Sean Barker (they/their/them) of 312 Marshall Terrace who spoke to Council regarding the pro-vax narrative. Mr. Barker also noted he will be filing two transphobia complaints, one against Mayor Jones and one against City Manager Ken Larking, with Amanda Paez.

Mr. Jones recognized Tommy Bennett, President of the Danville branch of the NAACP, who spoke to Council regarding the water situation at Woodside Village. He thanked the Mayor, City Manager, and Deputy City Manager for quickly restoring water to those 160 units. Mr. Bennett discussed the conditions of the residents at Woodside Village.

Mayor Jones recognized Ralph and Delores Rhyne of God’s Final Call and Warning who spoke to Council regarding the purpose and mission of their nonprofit. Mr. Rhyne passed out information to City Council, explaining they are aiming to lessen and eliminate childhood hunger.

Mayor Jones recognized Thomas Mitchell of 101 Hemlock Drive who spoke to Council regarding a Dominion Power service plan (not affiliated with the City of Danville) that seems to be fraudulent and was being mailed to residents.

CONSENT AGENDA

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

Minutes from the Regular Council Meeting held on August 2, 2022. Draft copies of the minutes had been distributed prior to the meeting.

Consideration of Authorizing the Issuance of Bonds of the City of Danville, Virginia.

An Ordinance entitled, Ordinance No. 2022-08.02, an Ordinance Authorizing the Issuance of Bonds of the City of Danville, Virginia, in the Maximum Aggregate Principal Amount of $16,000.000 to Finance the Acquisition, Construction and Equipping of Various Capital Projects.

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

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

NEW BUSINESS

CONSIDERATION OF AUTHORIZING THE OFFICIAL INTENT TO REIMBURSE EXPENDITURES WITH PROCEEDS OF BONDS

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

RESOLUTION NO. 2022-08.02

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF DANVILLE APPROVING AND AUTHORIZING THE OFFICIAL INTENT TO REIMBURSE EXPENDITURES OF CAPITAL IMPROVEMENT PROJECTS WITH PROCEEDS OF BONDS

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

Council Member Whittle questioned the $16M issuance of bonds, $6M of it was what the City was allowed to do without having to go to a referendum and City Manager Ken Larking noted that was correct. Council Member Whittle stated the $10M was going to the Utilities Department, and they were authorized for $25M on top of that, that was a total of $35M in bonds, and questioned if someone could check on the Charter for this, and can the mention of the $25M be removed. Director of Finance Michael Adkins explained that the debt capacity for Utilities each year was $10M. In order to accomplish the CIP that was in this year's budget, the City will be using what was left from last year's allocation of the $10M, plus this year's. Tonight's vote was a reimbursement resolution which gives the City the ability to reimburse itself with bond proceeds if bonds were issued for this year's capital expenditures. Later in October Council will be presented with a resolution to actually issue bonds. The Charter explains what the limits were, and refers to how much can be spent without a referendum. This vote was for reimbursement only.

City Attorney Clarke Whitfield explained that in order to remove that wording from the charter a bill would have to be passed by the Virginia Legislature and signed by the Governor.

CONSIDERATION OF AMENDING THE FISCAL YEAR 2023 BUDGET APPROPRIATION ORDINANCE TO PROVIDE FOR A VIRGINIA COMMISSION FOR THE ARTS GRANT

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

ORDINANCE NO. 2022-09.01

AN ORDINANCE 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.

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 TO PROVIDE FOR TITLE III-B GRANT FUNDS FOR SENIOR TRANSPORTATION SERVICES

Upon **Motion** by Council Member Vogler and **second** by Vice Mayor Miller, an Ordinance entitled:

ORDINANCE NO. 2022-09.02

AN ORDINANCE 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.

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 STATE DEPARTMENT OF AVIATION MAINTENANCE GRANT FUNDS

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

ORDINANCE NO. 2022-09.03

AN ORDINANCE 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 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 STATE DEPARTMENT OF AVIATION GRANT TO PROMOTE AVIATION AWARENESS

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

ORDINANCE NO. 2022-09.04

AN ORDINANCE 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.

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 ADDITIONAL FEDERAL AND STATE AVIATION FUNDING TO REHABILITATE THE SOUTH RAMP AT THE DANVILLE REGIONAL AIRPORT

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

ORDINANCE NO. 2022-09.05

AN ORDINANCE 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.

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

COMMUNICATIONS

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

Council Member Mayo stated it was good to see each and every person who came out this evening to share their thoughts, and noted his congratulations to Miss Virginia Volunteer and to the students. Community Health Awareness Day will be at the Camp Grove Community Center this week, and encouraged citizens to come out and be a part of what was happening. Serve 365 was volunteer service that was back in action in the community. Mr. Mayo stated a job resource fair will be held November 1 and more information will be coming soon.

DRAFT

Vice Mayor Miller stated that his patients who were lost due to COVID did not have the vaccine. What was heard here tonight were not facts. He commented on Rory Younger passing away and that his thoughts were with his family.

Council Member Saunders thanked the Tunstall High School students for being at the meeting and asked them if they attend other local government meetings as well. A student from Tunstall stated that they also attend the Pittsylvania County Supervisors meeting, the Pittsylvania County School Board meetings, History commission, and a few other commission meetings. Mr. Saunders once again thanked them for coming to the meetings and hoped to see them again one day in this setting or in Congress.

Council Member Vogler stated, *God Bless the City of Danville and all of our citizens*.

Council Member Buckner stated the 2022 Blue Ridge Rock Festival was here and wanted to be the first to welcome them to the City of Danville. It was being held at VIR with over 180 bands, and 40,000 people will be here this weekend for the festival. Mr. Buckner noted 58E area this weekend may have possible traffic delays. Mr. Buckner congratulated Corrie Bobe who was announced on the Virginia 500 Power List by the Virginia Business magazine, and encouraged citizens to participate in the Out of the Darkness walk for suicide prevention.

Council Member Campbell stated that it takes a village to turn some things around and he believes they can do this when it comes to education. He thanked the superintendent and the school board for all that they do.

Mayor Jones recognized the Tunstall students and thanked them for coming to Council, thanked Mr. and Mrs. Rhyne for what they were doing, and thanked everyone in chambers and at home for all that they do.

Meeting adjourned at 8:02pm.

APPROVED:

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MAYOR

ATTEST:

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CITY CLERK

DRAFT

Council Letter
City of Danville, Virginia

CL-2830 **Consent Agenda B.**

City Council Regular Meeting

Meeting Date: 10/04/2022

Subject: Victim/Witness Assistance Program Ordinance

From: Henrietta Weaver, Budget Director

COUNCIL ACTION

First Reading: 09/20/2022
Final Adoption: 10/04/2022

SUMMARY

The City received notice from the Commonwealth of Virginia, Department of Criminal Justice Services, of the approval of Federal and State funding in the amount of $177,083 for the continuation of the City's Victim/Witness Assistance Program which is operated through the Commonwealth Attorney's Office. The Victim/Witness Assistance Program provides assistance to victims of criminal offenses (e.g., rape, felonious assault, child sexual and physical abuse, homicide, domestic violence) occurring in Danville. The program provides direct and referral services to meet specific needs (e.g., mental health, social services, legal, medical) and files claims for crime victim's compensation. The program also provides a court escort, an explanation of criminal court procedures, intervenes with employers, collection agencies and landlords when victim's injuries result in loss of income, and monitors court related restitution payments.

BACKGROUND

The goal of the Victim/Witness Assistance Program is to alleviate the confusion, pain, and suffering experienced by innocent victims of violent crime occurring in Danville. This is an annual grant and does not require any local matching funds.

RECOMMENDATION

It is recommended that the Council approve the attached ordinance Amending the Fiscal Year 2023 Budget Appropriation Ordinance to provide for the appropriation of the funds.

Attachments

Ordinance

PRESENTED: ____________________

ADOPTED: ______________________

ORDINANCE NO. 2022 - ____.____

AN ORDINANCE AMENDING THE FISCAL YEAR 2023 BUDGET APPROPRIATION ORDINANCE TO PROVIDE FOR A GRANT FROM THE COMMONWEALTH OF VIRGINIA FOR A VICTIM WITNESS PROGRAM IN THE AMOUNT OF $177,083 AND APPROPRIATING SAME.

NOW THERFORE, BE IT ORDAINED, by the Council of the City of Danville, Virginia that the Fiscal Year 2023 Budget Appropriation Ordinance be, and it is hereby, amended by increasing revenues to provide for a grant from the Commonwealth of Virginia, Department of Criminal Justice Services, in an amount of $177,083 for the purpose of operating a victim witness program within the City of Danville, and appropriating same within the Special Grants Fund, such revenue and appropriation to be a follows:

ANTICIPATED REVENUES

Description	Account No.	Amount
Victim Witness Grant		
Federal Aid	60301000-48055	$123,958
Categorical Aid – DCJS	60301000-47060	53,125
	Total	$177,083

EXPENDITURES

Description	Account No.	Amount
Victim Witness Grant		
Salaries & Wages	60301000-51100	$142,842
Other Taxable Comp	60301000-51155	5,500
FICA	60301000-51450	9,563
Retirement VRS	60301000-51500	14,800
Print Shop – Office Supplies	60301000-52655	1,980
Postage	60301000-54050	695
Telephone/Internet	60301000-54100	250
Travel/Training	60301000-54900	601
Materials & Supplies	60301000-55930	852
	Total	$177,083

AND BE IT FURTHER ORDAINED that all other accounts and provisions of the Fiscal Year 2023 Budget Appropriation Ordinance, as amended, not hereby amended, shall continue in force and effect unless and until hereafter further amended or repealed.

APPROVED:

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MAYOR

ATTEST:

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CLERK

Approved as to
Form and Legal Sufficiency:

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City Attorney

Council Letter
City of Danville, Virginia

CL-2835 **Consent Agenda C.**

City Council Regular Meeting

Meeting Date: 10/04/2022

Subject: City Wide Preservation Plan CLG Grant

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

COUNCIL ACTION

First Reading: 09/20/2022
Final Adoption: 10/04/2022

SUMMARY

The City of Danville has received a Certified Local Government grant in the amount of $26,950 from the Virginia Department of Historic Resources. The grant will be used to complete a City-Wide Preservation Plan. This is a request to amend the Fiscal Year 2023 Budget to accept these funds

BACKGROUND

The City of Danville was awarded a Certified Local Government (CLG) grant from the Virginia Department of Historic Resources (VDHR) in the amount of $26,950 for the completion of a City-Wide Preservation Planning Document. It is necessary to amend the Fiscal Year 2023 Budget to accept this grant award. The CLG grant is reimbursable, and a local match will be provided. It is anticipated that the local match will not exceed $11,550.

The City of Danville does not have a preservation plan. The development of this plan is occurring at a time of updates for the City's Comprehensive Plan and Zoning Code. The grant is set to be complete by May 2023. The consultant completing the plan will hold four (4) community input meetings and prepare a final document and summary presentation to City Council. The City-Wide Preservation Plan will have five (5) components: identification of local historic resources; an evaluation of current trends and influences on historic resources; community input on preservation goals and priorities; tools and strategies to achieve preservation goals and an action plan. These components are consistent with the federal standards for preservation planning. The document will provide the community and staff a proactive plan to carry out goals and priorities in a logical, efficient, and effective manner.

RECOMMENDATION

It is recommended that City Council Amend the Fiscal Year 2023 Budget Appropriation Ordinance to accept a grant award in the amount of $26,950.

Attachments

Ordinance

PRESENTED: ______________

ADOPTED: ______________

ORDINANCE NO. 2022 -______- ______

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.

WHEREAS the City of Danville has received a grant from the Commonwealth of Virginia, Department of Historic Resources to fund the development of a City-Wide Preservation Plan; and

WHEREAS the local share is to be transferred from the Capital Projects Fund, Comprehensive Blight Removal,

NOW THEREFORE, BE IT ORDAINED by the Council of the City of Danville, Virginia that the Fiscal Year 2023 Budget Appropriation Ordinance be, and it is hereby, amended by increasing revenues from the Commonwealth of Virginia, Department of Historic Resources (Federal pass-through funds), in the amount of $26,950 and the local share for $11,550 for an aggregate amount of $38,500 for the purpose of development of a City-Wide Preservation Plan such funds to be appropriated in the Special Grant Fund as follows:

ANTICIPATED REVENUES

Description	Account No.	Amount
City-Wide Preservation Plan		
Categorical Aid - Federal	61801000-48050	$ 26,950
Local Share		
Transfer In from Capital Projects	61801000-6125	$ 11,550
	TOTAL	$ 38,500

ANTICIPATED EXPENDITURES

Description	Account No.	Amount
City-Wide Preservation Plan	61801999-50	$ 38,500

BE IT FURTHER ORDAINED by the Council of the City of Danville, Virginia that the Fiscal Year 2023 Budget Appropriation Ordinance be, and it is hereby, amended authorizing a transfer from the Capital Projects Fund to the Special Grants Fund, such transfer be as follows:

TRANSFER FROM

Description	Account No.	Amount
Capital Projects Fund		
Comprehensive Blight Removal	60806999-50	($ 11,550)
Transfer Out to Special Grants	60806000-6014	$ 11,550

AND BE IT FINALLY ORDAINED that all other accounts and provisions of the Fiscal Year 2023 Budget Appropriation Ordinance, as amended, not hereby amended, shall continue in full force and effect unless and until hereafter further amended or repealed.

APPROVED:

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MAYOR

ATTEST:

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CLERK

Approved as to
Form and Legal Sufficiency:

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City Attorney

Council Letter
City of Danville, Virginia

CL-2836 **Consent Agenda D.**

City Council Regular Meeting

Meeting Date: 10/04/2022

Subject: Freedman's Cemetery CLG Grant

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

COUNCIL ACTION

First Reading: 09/20/2022
Final Adoption: 10/04/2022

SUMMARY

The City of Danville has received a Certified Local Government grant in the amount of $12,709 from the Virginia Department of Historic Resources. The grant will be used to interment location project using Ground Penetrating Radar. This is a request to amend the Fiscal Year 2023 Budget to accept these funds.

BACKGROUND

The City of Danville was awarded a Certified Local Government (CLG) grant from the Virginia Department of Historic Resources (VDHR) in the amount of $12,709 for the completion of an interment location project at Freedmen's Cemetery. The project uses Ground Penetrating Radar (GPR) technology to locate anomalies below the surface and identify potential unmarked grave locations. It is necessary to amend the Fiscal Year 2023 Budget to accept these funds.

The CLG grant is reimbursable, and a local match will be provided. It is anticipated that the local match will not exceed $5,500. This grant will fund the second phase of the interment location project at Freedmen's Cemetery. The first phase yielded 418 interments, and staff anticipates a larger number in phase two.

RECOMMENDATION

It is recommended that City Council Amend the Fiscal Year 2023 Budget Appropriation Ordinance to accept a grant award in the amount of $12,709.

Attachments

Ordinance

PRESENTED: ______________

ADOPTED: ______________

ORDINANCE NO. 2022 -______- ______

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.

WHEREAS the City of Danville has received a grant from the Commonwealth of Virginia, Department of Historic Resources to fund an interment location project at Freedmen's Cemetery; and

WHEREAS the local share is to be transferred from the Capital Projects Fund, Comprehensive Blight Removal,

NOW THEREFORE, BE IT ORDAINED by the Council of the City of Danville, Virginia that the Fiscal Year 2023 Budget Appropriation Ordinance be, and it is hereby, amended by increasing revenues from the Commonwealth of Virginia, Department of Historic Resources (Federal pass-through funds), in the amount of $12,709 and the local share in the amount of $5,500 for a total amount of $18,209 for the purpose of an interment location project at Freedmen's Cemetery such funds to be appropriated in the Special Grant Fund as follows:

ANTICIPATED REVENUES

Description	Account No.	Amount
Freedman's Cemetery, Phase II		
Categorical Aid - Federal	61800000-48050	$ 12,709
Local Share		
Transfer In from Capital Projects	61800000-6125	$ 5,500
	TOTAL	$ 18,209

ANTICIPATED EXPENDITURES

Description	Account No.	Amount
Freedman's Cemetery, Phase II	61800999-50	$ 18,209

BE IT FURTHER ORDAINED by the Council of the City of Danville, Virginia that the Fiscal Year 2023 Budget Appropriation Ordinance be, and it is hereby, amended authorizing a transfer from the Capital Projects Fund to the Special Grants Fund, such transfer be as follows:

TRANSFER FROM

Description	Account No.	Amount
Capital Projects Fund		
Comprehensive Blight Removal	60806999-50	($ 5,500)
Transfer Out to Special Grants	60806000-6014	$ 5,500

AND BE IT FINALLY ORDAINED that all other accounts and provisions of the Fiscal Year 2023 Budget Appropriation Ordinance, as amended, not hereby amended, shall continue in full force and effect unless and until hereafter further amended or repealed.

APPROVED:

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MAYOR

ATTEST:

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CLERK

Approved as to
Form and Legal Sufficiency:

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City Attorney

Council Letter
City of Danville, Virginia

CL-2841 **New Business A.**

City Council Regular Meeting

Meeting Date: 10/04/2022

Subject: Fiscal Year 2023 General Obligation Bond Issuance

From: Michael Adkins, Director of Finance

COUNCIL ACTION

Business Meeting: 10/04/2022

SUMMARY

In accordance with the adopted Fiscal Year 2023 budget, bonds are to be issued to finance various capital projects. City Council conducted a public hearing and first reading for the ordinance to issue bonds on August 16, 2022. The ordinance was adopted by City Council on September 6, 2022. The passing of the attached Resolution is the last step in completing the bond issuance for Fiscal Year 2023.

RECOMMENDATION

It is recommended that City Council pass the attached Resolution to complete the Fiscal Year 2023 bond issuance which will secure funding for the capital projects as adopted in the Fiscal Year 2023 budget.

Attachments

Resolution

PRESENTED:______________________

ADOPTED: ________________________

RESOLUTION NO. 2022-____.____

RESOLUTION PROVIDING FOR THE ISSUANCE, SALE AND AWARD BY THE CITY OF DANVILLE, VIRGINIA, OF ONE OR MORE SERIES OF GENERAL OBLIGATION PUBLIC IMPROVEMENT BONDS, HERETOFORE AUTHORIZED, AND PROVIDING FOR THE FORM, DETAILS AND PAYMENT OF SUCH BONDS.

WHEREAS, the Council (the "Council") of the City of Danville, Virginia (the "City"), adopted an ordinance on August 5, 2021 (the "2021 Ordinance"), authorizing under Section 9-7A of the City Charter the issuance of general obligation bonds in a maximum principal amount of $6,000,000 to finance any capital expenditures *other than* for capital expenditures relating to the City's water, sewer, gas and/or electric systems, as more fully described in the 2021 Ordinance, of which $3,705,000 remains unissued; and

WHEREAS, the Council adopted an ordinance on September 6, 2022 (the "2022 Ordinance"), authorizing under Section 9-7A of the City Charter the issuance of general obligation bonds in a maximum principal amount of $6,000,000 to finance any capital expenditures *other than* for capital expenditures relating to the City's water, sewer, gas and/or electric systems, as more fully described in the 2022 Ordinance, of which the full principal amount remains unissued; and

WHEREAS, using the remaining $3,705,000 principal authorization of the 2021 Ordinance and up to $1,238,220 principal authorization of the 2022 Ordinance (for a total principal authorization of up to $4,943,220), the Council desires to finance capital expenditures for general governmental projects, including, without limitation, (a) parks and recreational facility improvements, (b) public school building improvements (including, without limitation, roof and HVAC improvements), and (c) capital improvements for the municipal airport (collectively, the "9-7A Projects"); and

WHEREAS, pursuant to the 2021 Ordinance, the Council also authorized under the provisions of Section 9-7D of the City Charter the issuance of general obligation bonds in a maximum principal amount of $10,000,000 to finance capital expenditures relating to the City's water, sewer, gas and electric systems or other specific undertaking or undertakings from which the City may derive a revenue, as more fully described in the 2021 Ordinance, of which the full principal amount remains unissued; and

WHEREAS, using the remaining $10,000,000 principal authorization of the 2021 Ordinance and up to $2,556,780 principal authorization of the 2022 Ordinance (for a total principal authorization of up to $12,556,780), to finance projects contemplated under the provisions of Section 9-7D of the City Charter, the Council desires to finance capital expenditures relating to the City's water and electric systems, including, without limitation, (a) distribution and treatment infrastructure improvements for the water system, and (b) substations and distribution infrastructure improvements for the electric system (collectively, the "9-7D Projects" and, together with the 9-7A Projects, the "Projects"); and

WHEREAS, the Council desires to issue one or more series of general obligation public improvement bonds in an aggregate principal amount not to exceed $17,500,000 (the "Bonds") to finance the Projects and to pay the costs of issuing the Bonds; and

WHEREAS, the City's administration, in collaboration with Davenport & Company LLC, acting as the City's financial advisor (the "Financial Advisor"), has recommended that the City pursue the sale of the Bonds through one or more of the following methods: (a) a direct bank loan with a banking or other financial institution (a "Direct Bank Loan"), (b) a public offering through a competitive sale (a "Competitive Sale") or (c) a public offering through a negotiated underwriting (a "Negotiated Sale") (in any of such funding options, the purchaser(s) of the Bonds shall be referred to herein as the "Purchaser"); and

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

1. Issuance and Sale of Bonds. (a) Pursuant to the Constitution and statutes of the Commonwealth of Virginia, including the City Charter and the Public Finance Act of 1991, and in accordance with the authorizations of the 2021 Ordinance and the 2022 Ordinance, the Council provides for the issuance and sale of the Bonds in an aggregate principal amount not to exceed $17,500,000 to finance the Projects and to pay the related costs of issuing the Bonds.

(b) The Council determines that the average probable period of usefulness of the Projects is not more than 30 years.

2. Bond Details. (a) Subject to the provisions and limitations of this Resolution, the Council authorizes the City Manager (which term shall include the Deputy City Manager for purposes of this Resolution) to undertake the issuance and sale of the Bonds and to determine the final pricing terms of the Bonds as he shall deem to be in the best interests of the City, provided that the Bonds shall be designated "General Obligation Public Improvement Bonds, Series 2022," or such other designation as may be determined by the City Manager.

(b) The Bonds shall be in registered form, shall be dated such date as may be determined by the City Manager, shall be in denominations of $5,000 and integral multiples thereof and shall be numbered R-1 upward, or such other designation as appropriate. The issuance and sale of the Bonds are authorized on pricing terms as shall be satisfactory to the City Manager; provided, however, that the Bonds (i) shall be issued in an aggregate principal amount not exceeding the limit set forth in Section 1(a), (ii) shall have a "true" or "Canadian" interest cost not to exceed 5.0% (taking into account any original issue discount or premium), (iii) shall be sold to the Purchaser at a price not less than 100% of the principal amount thereof (excluding any original issue discount), and (iv) shall mature, or be subject to mandatory sinking fund redemption in annual installments, in years ending no later than December 31, 2042.

(c) Principal of the Bonds shall mature, or be subject to mandatory sinking fund installments, annually on dates determined by the City Manager. Each Bond shall bear interest from its dated date at such fixed rate as shall be determined at the time of sale, calculated on the basis of a 360-day year of twelve 30-day months, and payable semiannually on dates determined by the City Manager. Principal and premium, if any, shall be payable to the registered owners upon surrender of Bonds as they become due at the office of the Registrar (as hereinafter defined). Interest shall be payable by check or draft mailed to the registered owners at their addresses as they appear on the registration books kept by the Registrar on a date prior to each interest payment date that shall be determined by the City Manager (the "Record Date"); provided, however, that at the request of the registered owner of the Bonds, payment may be made by wire transfer pursuant to the most recent wire instructions received by the Registrar from such registered owner. If any payment date is not a business day, such payment shall be made on the next succeeding business day with the same effect as if made on the stated payment date, and no additional interest shall accrue. Principal, premium, if any, and interest shall be payable in lawful money of the United States of America.

3. Methods of Sale; Award of Bonds. (a) The Bonds shall be sold through a Direct Bank Loan, a Competitive Sale or a Negotiated Sale, or a combination thereof, as the City Manager shall determine to be in the best interests of the City.

(b) If the City Manager determines that the Bonds (or a portion thereof) shall be sold through a Direct Bank Loan, the City Manager is authorized, on behalf of the City and in collaboration with the Financial Advisor, to solicit bids from banking and other financial institutions, to determine which bid (or bids) offers the best terms to the City, and, subject to the limitations set forth in Section 2, to arrange for the issuance and sale of all or a portion of the Bonds to the Purchaser. Following a Direct Bank Loan, the City Manager shall file a certificate with the Council setting forth the final terms of such Bonds. The actions of the City Manager in selling such Bonds by Direct Bank Loan shall be conclusive, and no further action with respect to the sale and issuance of such Bonds shall be necessary on the part of the Council.

(c) If the City Manager determines that the Bonds (or a portion thereof) shall be sold through a Competitive Sale, the City Manager is authorized, on behalf of the City and in collaboration with the Financial Advisor, to take all proper steps to advertise such Bonds for sale, to receive public bids and to award such Bonds to the bidder providing the lowest "true" or "Canadian" interest cost, subject to the limitations set forth in Section 2. Following a Competitive Sale, the City Manager shall file a certificate with the Council setting forth the final terms of such Bonds. The actions of the City Manager in selling all or a portion of the Bonds by Competitive Sale shall be conclusive, and no further action with respect to the sale and issuance of such Bonds shall be necessary on the part of the Council.

(d) If the City Manager determines that the Bonds (or a portion thereof) shall be sold through a Negotiated Sale, the City Manager is authorized, on behalf of the City and in collaboration with the Financial Advisor, to choose one or more investment banking firm(s) to serve as underwriter(s) for such Bonds and to execute and deliver to such underwriter(s), as Purchaser(s) of such Bonds, a bond purchase agreement reflecting the final terms of such Bonds. The bond purchase agreement shall be in a form approved by the City Manager, in collaboration with the City Attorney, the Financial Advisor and the City's bond counsel. The actions of the City Manager in selling all or a portion of the Bonds by Negotiated Sale shall be conclusive, and no further action with respect to the sale and issuance of such Bonds shall be necessary on the part of the Council.

(e) Following the determination of which method(s) of sale shall be used, the City Manager is authorized to determine (i) the principal amounts of the Bonds, subject to the limitations set forth in Section 1(a), (ii) the interest rates of the Bonds, the maturity schedules of the Bonds, and the prices to be paid for the Bonds by the respective Purchasers thereof, subject to the limitations set forth in Section 2, (iii) the redemption provisions of the Bonds, subject to the limitations set forth in Section 5, and (iv) the dated date, the principal and interest payment dates and the Record Dates of the Bonds, all as the City Manager determines to be in the best interests of the City.

4. Securities Depository Provisions. If a series of Bonds is sold through a Competitive Sale or a Negotiated Sale, the following provisions shall apply to such series of Bonds:

(a) Initially, one Bond certificate for each maturity of the Bonds shall be issued to and registered in the name of The Depository Trust Company, New York, New York ("DTC"), or its nominee. The City has heretofore entered into a Blanket Letter of Representations relating to a book-entry system to be maintained by DTC with respect to the Bonds. The defined term "Securities Depository" shall mean DTC or any other securities depository for the Bonds appointed pursuant to this Section.

(b) In the event that (i) the Securities Depository determines not to continue to act as the securities depository for the Bonds by giving notice to the Registrar, and the City discharges the Securities Depository of its responsibilities with respect to the Bonds, or (ii) the City in its sole discretion determines (A) that beneficial owners of the Bonds shall be able to obtain certificated Bonds or (B) to select a new Securities Depository, then its Director of Finance shall, at the direction of the Council, attempt to locate another qualified securities depository to serve as Securities Depository and authenticate and deliver certificated Bonds to the new Securities Depository or its nominee, or authenticate and deliver certificated Bonds to the beneficial owners or to the Securities Depository participants on behalf of beneficial owners substantially in the form provided for in Section 7; provided, however, that such form shall provide for interest on the Bonds to be payable from the date of the Bonds if they are authenticated prior to the first interest payment date, or otherwise from the interest payment date that is or immediately precedes the date on which the Bonds are authenticated (unless payment of interest thereon is in default, in which case interest on the Bonds shall be payable from the date to which interest has been paid). In delivering certificated Bonds, the Director of Finance shall be entitled to rely on the records of the Securities Depository as to the beneficial owners or the records of the Securities Depository participants acting on behalf of beneficial owners. Such certificated Bonds will then be registrable, transferable and exchangeable as set forth in Section 9.

(c) So long as there is a Securities Depository for the Bonds (i) it or its nominee shall be the registered owner of the Bonds; (ii) notwithstanding anything to the contrary in this Resolution, determinations of persons entitled to payment of principal, premium, if any, and interest, transfers of ownership and exchanges and receipt of notices shall be the responsibility of the Securities Depository and shall be effected pursuant to rules and procedures established by such Securities Depository; (iii) the Registrar and the City shall not be responsible or liable for maintaining, supervising or reviewing the records maintained by the Securities Depository, its participants or persons acting through such participants; (iv) references in this Resolution to registered owners of the Bonds shall mean such Securities Depository or its nominee and shall not mean the beneficial owners of the Bonds; and (v) in the event of any inconsistency between the provisions of this Resolution and the provisions of the above-referenced Blanket Letter of Representations, such provisions of the Blanket Letter of Representations, except to the extent set forth in this subsection and subsection 4(b), shall control.

5. Redemption Provisions. (a) Subject to the limitations contained herein, the City Manager is authorized to determine the redemption provisions of the Bonds, including provisions for optional, extraordinary and mandatory sinking fund redemption.

(b) The Bonds of any series may be subject to redemption prior to maturity at the option of the City on or after the dates, if any, determined by the City Manager, in whole or in part at any time, at a redemption price equal to the principal amount of the Bonds to be redeemed, together with any interest accrued to the date fixed for redemption, plus a redemption premium not to exceed 3.0% of the principal amount of the Bonds, such redemption premium to be determined by the City Manager.

(c) Any Bonds sold as term bonds may be subject to mandatory sinking fund redemption upon terms determined by the City Manager.

(d) If less than all of the Bonds of a series are called for redemption, the maturities of the Bonds to be redeemed shall be selected by the Director of Finance in such manner as such officer may determine to be in the best interests of the City. In the case of a Competitive Sale or Negotiated Sale, if less than all of a maturity of a series of Bonds is called for redemption, the Bonds within such maturity to be redeemed shall be selected by the Securities Depository pursuant to its rules and procedures or, if the book-entry system is discontinued, shall be selected by the Registrar by lot in such manner as the Registrar in its discretion may determine. In either case, (i) the portion of any Bond to be redeemed shall be in the principal amount of $5,000 or some integral multiple thereof and (ii) in selecting Bonds for redemption, each Bond shall be considered as representing that number of Bonds of such series that is obtained by dividing the principal amount of such Bond by $5,000. The City shall cause notice of the call for redemption identifying the Bonds or portions thereof to be redeemed to be sent by facsimile or electronic transmission, registered or certified mail or overnight express delivery, not less than 30 nor more than 60 days prior to the date fixed for redemption, to the registered owner(s) of such Bonds. The City shall not be responsible for giving notice of redemption to anyone other than DTC or another qualified securities depository then serving or its nominee unless no qualified securities depository is the registered owner of the Bonds. If no qualified securities depository is the registered owner of the Bonds, notice of redemption shall be mailed to the registered owners of the Bonds. If a portion of a Bond is called for redemption, a new Bond in principal amount equal to the unredeemed portion thereof will be issued to the registered owner upon the surrender thereof.

(e) In the case of an optional redemption, the notice may state that (i) it is conditioned upon the deposit of moneys, in an amount equal to the amount necessary to effect the redemption, no later than the date fixed for redemption or (ii) the City retains the right to rescind such notice on or prior to such fixed redemption date (in either case, a "Conditional Redemption"), and such notice and optional redemption shall be of no effect if such moneys are not so deposited or if the notice is rescinded as described herein. Any Conditional Redemption may be rescinded at any time. The City shall give prompt notice of such rescission to the affected Bondholders. Any Bonds subject to Conditional Redemption where redemption has been rescinded shall remain outstanding, and the rescission shall not constitute an event of default. Further, in the case of a Conditional Redemption, the failure of the City to make funds available on or before the date fixed for redemption shall not constitute an event of default, and the City shall give immediate notice to all organizations registered with the Securities and Exchange Commission (the "SEC") as securities depositories or the affected Bondholders that the redemption did not occur and that the Bonds called for redemption and not so paid remain outstanding.

6. Execution and Authentication. The Bonds shall be signed by the manual or facsimile signatures of the Mayor and the City Treasurer, the City's seal shall be affixed thereto and shall be attested by the manual or facsimile signature of the City Clerk (which term shall include any Deputy or Assistant City Clerk for purposes of this Resolution); provided, however, that no Bond signed by facsimile signatures shall be valid until it has been authenticated by the manual signature of the Registrar or, if a bank has been appointed registrar pursuant to Section 9, an authorized officer or employee of the Registrar and the date of authentication noted thereon.

7. Bond Form. The Bonds shall be in substantially the form of Exhibit A attached hereto, with such completions, omissions, insertions and changes not inconsistent with this Resolution as may be approved by the officers signing the Bonds, whose approval shall be evidenced conclusively by the execution and delivery of the Bonds.

8. Pledge of Full Faith and Credit. The full faith and credit of the City are irrevocably pledged for the payment of principal of and premium, if any, and interest on the Bonds. Unless other funds are lawfully available and appropriated for timely payment of the Bonds, the Council shall levy and collect an annual ad valorem tax, over and above all other taxes authorized or limited by law and without limitation as to rate or amount, on all locally taxable property in the City sufficient to pay when due the principal of and premium, if any, and interest on the Bonds.

9. Registration, Transfer and Owners of Bonds. The Bonds shall be issued in registered form without coupons, payable to the registered holders or registered assigns. The City Treasurer is hereby appointed paying agent and registrar for the Bonds (the "Registrar"). The City Manager is authorized, on behalf of the City, to appoint a qualified bank or trust company as successor paying agent and registrar of the Bonds if at any time the City Manager determines such appointment to be in the best interests of the City. The Registrar shall maintain registration books for the registration of the Bonds and transfers thereof. Upon presentation and surrender of any Bonds to the Registrar, or its corporate trust office if the Registrar is a bank or trust company, together with an assignment duly executed by the registered owner or the owner's duly authorized attorney or legal representative in such form as shall be satisfactory to the Registrar, the City shall execute, and the Registrar shall authenticate, if required by Section 6, and deliver in exchange, a new Bond or Bonds having an equal aggregate principal amount, in authorized denominations, of the same form and maturity, bearing interest at the same rate, and registered in the name(s) as requested by the then registered owner or the owner's duly authorized attorney or legal representative. Any such exchange shall be at the expense of the City, except that the Registrar may charge the person requesting such exchange the amount of any tax or other governmental charge required to be paid with respect thereto.

The Registrar shall treat the registered owner as the person exclusively entitled to payment of principal of and premium, if any, and interest on the Bonds and the exercise of all other rights and powers of the owner, except that interest payments shall be made to the person shown as owner on the registration books on the Record Date.

10. Official Statement. The draft Preliminary Official Statement describing the Bonds, copies of which have been made available to the Council prior to this meeting, is hereby approved as the form of the Preliminary Official Statement by which the Bonds may be offered for sale to the public; provided that the City Manager, in collaboration with the Financial Advisor, may make such completions, omissions, insertions and changes in the Preliminary Official Statement not inconsistent with this Resolution as the City Manager may consider to be in the best interests of the City. After the Bonds have been sold, the City Manager, in collaboration with the Financial Advisor, shall make such completions, omissions, insertions and changes in the Preliminary Official Statement not inconsistent with this Resolution as are necessary or desirable to complete it as a final Official Statement. In addition, the City shall arrange for the delivery to the Purchaser of a reasonable number of printed copies of the final Official Statement, within seven business days after the Bonds have been sold, for delivery to each potential investor requesting a copy of the Official Statement and to each person to whom the Purchaser initially sells Bonds.

11. Official Statement Deemed Final. The City Manager is authorized, on behalf of the City, to deem the Preliminary Official Statement and the Official Statement in final form, each to be final as of its date within the meaning of Rule 15c2-12 (the "Rule") of the SEC, except for the omission in the Preliminary Official Statement of certain pricing and other information permitted to be omitted pursuant to the Rule. The distribution of the Preliminary Official Statement and the execution and delivery of the Official Statement in final form shall be conclusive evidence that each has been deemed final as of its date by the City, except for the omission in the Preliminary Official Statement of such pricing and other information permitted to be omitted pursuant to the Rule.

12. Preparation and Delivery of Bonds. After the Bonds have been awarded, the Mayor, the City Manager, the City Treasurer and the City Clerk are authorized and directed to take all proper steps to have the Bonds prepared and executed in accordance with their terms and to deliver the Bonds to the respective Purchasers upon payment therefor.

13. Arbitrage Covenants. The City covenants that it shall not take or omit to take any action the taking or omission of which will cause any of the Bonds to be "arbitrage bonds" within the meaning of Section 148 of the Internal Revenue Code of 1986, as amended, and regulations issued pursuant thereto (the "Code"), or otherwise cause interest on any of the Bonds to be includable in the gross income for federal income tax purposes of the registered owners thereof under existing law. Without limiting the generality of the foregoing, the City shall comply with any provision of law that may require the City at any time to rebate to the United States any part of the earnings derived from the investment of the gross proceeds of the Bonds, unless the City receives an opinion of nationally recognized bond counsel that such compliance is not required to prevent interest on any of the Bonds from being includable in the gross income for federal income tax purposes of the registered owners thereof under existing law. The City shall pay any such required rebate from its legally available funds.

14. Non-Arbitrage Certificate and Elections. Such officers of the City as may be requested by the City's bond counsel are authorized and directed to execute an appropriate certificate setting forth (a) the expected uses and investment of the proceeds of the Bonds in order to show that such expected uses and investment will not violate the provisions of Section 148 of the Code and (b) any elections such officers deem desirable regarding rebate of earnings to the United States for purposes of complying with Section 148 of the Code. Such certificate shall be prepared in consultation with the City's bond counsel, and such elections shall be made after consultation with bond counsel.

15. Limitation on Private Use. The City covenants that it shall not permit the proceeds of the Bonds or the facilities financed therewith to be used in any manner that would result in (a) 5% or more of such proceeds or facilities being used in a trade or business carried on by any person other than a governmental unit, as provided in Section 141(b) of the Code, (b) 5% or more of such proceeds or facilities being used with respect to any output facility (other than a facility for the furnishing of water), within the meaning of Section 141(b)(4) of the Code, or (c) 5% or more of such proceeds being used directly or indirectly to make or finance loans to any persons other than a governmental unit, as provided in Section 141(c) of the Code; provided, however, that if the City receives an opinion of nationally recognized bond counsel that any such covenants need not be complied with to prevent the interest on any of the Bonds from being includable in the gross income for federal income tax purposes of the registered owners thereof under existing law, the City need not comply with such covenants.

16. Deposit of Bond Proceeds. The City Treasurer is authorized and directed to provide for delivery of the proceeds of the Bonds to or at the direction of the City in such manner as necessary to (a) pay the costs of the Projects and (b) pay the costs of issuing the Bonds.

17. SNAP Investment Authorization. The Council has previously received and reviewed the Information Statement describing the State Non-Arbitrage Program of the Commonwealth of Virginia ("SNAP") and the Contract Creating the State Non-Arbitrage Program Pool (the "Contract"), and the Council hereby authorizes the Director of Finance in his discretion to use SNAP in connection with the investment of the proceeds of the Bonds. The Council acknowledges that the Treasury Board of the Commonwealth of Virginia is not, and shall not be, in any way liable to the City in connection with SNAP, except as otherwise provided in the Contract.

18. Continuing Disclosure Agreement. The Mayor, the City Manager and such officer or officers of the City as either may designate, any of whom may act, are hereby authorized and directed to execute a continuing disclosure agreement (the "Continuing Disclosure Agreement") setting forth the reports and notices to be filed by the City and containing such covenants as may be necessary to assist the Purchaser in complying with the provisions of the Rule promulgated by the SEC. The Continuing Disclosure Agreement shall be substantially in the form appearing as an appendix to the draft Preliminary Official Statement described above, which agreement is hereby approved for purposes of the Bonds; provided that the City Manager, in collaboration with the Financial Advisor, may make such changes in the Continuing Disclosure Agreement not inconsistent with this Resolution as the City Manager may consider to be in the best interests of the City. The execution thereof by such officers shall constitute conclusive evidence of their approval of any such completions, omissions, insertions and changes.

19. Other Actions. All other actions of officers of the City in conformity with the purposes and intent of this Resolution and in furtherance of the issuance and sale of the Bonds are hereby ratified, approved and confirmed. The officers of the City are authorized and directed to execute and deliver all certificates and instruments and to take all such further action as may be considered necessary or desirable in connection with the issuance, sale and delivery of the Bonds.

20. Repeal of Conflicting Resolutions. All resolutions or parts of resolutions in conflict herewith are repealed.

21. Effective Date. This Resolution shall take effect immediately.

APPROVED:

____
Mayor

ATTEST:

____

City Clerk

APPROVED AS TO
FORM AND LEGAL SUFFICIENCY:

____

City Attorney

EXHIBIT A

[FORM OF BOND]

Unless this certificate is presented by an authorized representative of The Depository Trust Company, a New York corporation ("DTC"), to the issuer or its agent for registration of transfer, exchange or payment, and any certificate is registered in the name of Cede & Co., or in such other name as is requested by an authorized representative of DTC (and any payment is made to Cede & Co. or to such other entity as is requested by an authorized representative of DTC), ANY TRANSFER, PLEDGE OR OTHER USE HEREOF FOR VALUE OR OTHERWISE BY OR TO ANY PERSON IS WRONGFUL inasmuch as the registered owner hereof, Cede & Co., has an interest herein.

REGISTERED	**REGISTERED**
No. R-____	**$__________**

UNITED STATES OF AMERICA

COMMONWEALTH OF VIRGINIA

CITY OF DANVILLE

General Obligation Public Improvement Bond,

Series 2022

INTEREST RATE	MATURITY DATE	DATED DATE	CUSIP
_____%	__________, ____	_________, 2022	______ ___

REGISTERED OWNER: CEDE & CO.

PRINCIPAL AMOUNT: DOLLARS

The City of Danville, Virginia (the "City"), for value received, promises to pay, upon surrender hereof to the registered owner hereof, or registered assigns or legal representative, the principal sum stated above on the maturity date stated above, subject to prior redemption as hereinafter provided, and to pay interest hereon from its date semiannually on each _______ and ___________, beginning __________, at the annual rate stated above, calculated on the basis of a 360-day year of twelve 30-day months. Principal, premium, if any, and interest are payable in lawful money of the United States of America by the City Treasurer, who has been appointed paying agent and registrar for the bonds, or by such bank or trust company as may be appointed by the City Manager as successor paying agent and registrar (the "Registrar"). If any payment date is not a business day, such payment shall be made on the next succeeding business day with the same effect as if made on the stated payment date, and no additional interest shall accrue.

Notwithstanding any other provision hereof, this bond is subject to a book-entry system maintained by The Depository Trust Company ("DTC"), and the payment of principal, premium, if any, and interest, the providing of notices and other matters shall be made as described in the City's Blanket Letter of Representations to DTC.

This bond is one of an issue of $___________ General Obligation Public Improvement Bonds, Series 2022, of like date and tenor, except as to number, denomination, rate of interest, privilege of redemption and maturity, and is issued pursuant to the Constitution and statutes of the Commonwealth of Virginia, including the City Charter and the Public Finance Act of 1991. The bonds have been authorized and issued pursuant to ordinances adopted by the Council of the City (the "Council") on August 5, 2021 and September 6, 2022, and a resolution adopted by the Council on [October 4], 2022, to (a) finance certain public improvement projects and (b) pay costs incurred in connection with issuing such bonds.

The full faith and credit of the City are irrevocably pledged for the payment of principal of and premium, if any, and interest on this bond. Unless other funds are lawfully available and appropriated for timely payment of this bond, the Council shall levy and collect an annual ad valorem tax, over and above all other taxes authorized or limited by law and without limitation as to rate or amount, on all taxable property within the City sufficient to pay when due the principal of and premium, if any, and interest on this bond.

Bonds maturing on or before ________, 20__, are not subject to redemption prior to maturity. Bonds maturing on or after __________, 20__, are subject to redemption prior to maturity at the option of the City on or after ___________, 20__, in whole or in part (in any multiple of $5,000) at any time, upon payment of the following redemption prices (expressed as a percentage of principal amount of bonds to be redeemed) plus interest accrued and unpaid to the date fixed for redemption:

Period During Which Redeemed (Both Dates Inclusive)	**Redemption Price**

[Bonds maturing on ___________, 20__, are required to be redeemed in part before maturity by the City on ___________ in the years and amounts set forth below, at a redemption price equal to the principal amount of the bonds to be redeemed, plus accrued interest to the date fixed for redemption:

Year	**Amount**	**Year**	**Amount**]

If less than all of the bonds are called for redemption, the bonds to be redeemed shall be selected by the Director of Finance of the City in such manner as such officer may determine to be in the best interests of the City. If less than all of the bonds of any maturity are called for redemption, the bonds within such maturity to be redeemed shall be selected by DTC or any successor securities depository pursuant to its rules and procedures or, if the book-entry system is discontinued, shall be selected by the Registrar by lot in such manner as the Registrar in its discretion may determine. In either case, (a) the portion of any bond to be redeemed shall be in the principal amount of $5,000 or some integral multiple thereof and (b) in selecting bonds for redemption, each bond shall be considered as representing that number of bonds that is obtained by dividing the principal amount of such bond by $5,000. The City shall cause notice of the call for redemption identifying the bonds or portions thereof to be redeemed to be sent by facsimile or electronic transmission, registered or certified mail or overnight express delivery, not less than 30 nor more than 60 days prior to the date fixed for redemption, to the registered owner hereof. If a portion of this bond is called for redemption, a new bond in the principal amount of the unredeemed portion hereof will be issued to the registered owner upon surrender hereof.

In the case of an optional redemption, the notice may state that (a) it is conditioned upon the deposit of moneys, in an amount equal to the amount necessary to effect the redemption, no later than the date fixed for redemption or (b) the City retains the right to rescind such notice on or prior to the date fixed for redemption (in either case, a "Conditional Redemption"), and such notice and optional redemption shall be of no effect if such moneys are not so deposited or if the notice is rescinded as described herein. Any Conditional Redemption may be rescinded at any time. The City shall give prompt notice of such rescission to the holders of the affected bonds. Any bonds subject to Conditional Redemption where redemption has been rescinded shall remain outstanding, and the rescission shall not constitute an event of default. Further, in the case of a Conditional Redemption, the failure of the City to make funds available on or before the date fixed for redemption shall not constitute an event of default, and the City shall give immediate notice to all organizations registered with the Securities and Exchange Commission as securities depositories or the holders of the affected bonds that the redemption did not occur and that the bonds called for redemption and not so paid remain outstanding.

The Registrar shall treat the registered owner of this bond as the person exclusively entitled to payment of principal of and premium, if any, and interest on this bond and the exercise of all others rights and powers of the owner, except that interest payments shall be made to the person shown as the owner on the registration books on the ___ day of the month [preceding] [in which] each interest payment [is due].

All acts, conditions and things required by the Constitution and statutes of the Commonwealth of Virginia to happen, exist or be performed precedent to and in connection with the issuance of this bond have happened, exist and have been performed, and the issue of bonds of which this bond is one, together with all other indebtedness of the City, is within every debt and other limit prescribed by the Constitution and statutes of the Commonwealth of Virginia.

[Remainder of page intentionally left blank.]

IN WITNESS WHEREOF, the City of Danville, Virginia, has caused this bond to be to be signed by its Mayor and its City Treasurer, its seal to be affixed hereto and attested by its City Clerk, and this bond to be dated the date first above written.

(SEAL)

____
Mayor, City of Danville, Virginia

____
City Treasurer, City of Danville, Virginia

(ATTEST)

____
City Clerk,
City of Danville, Virginia

ASSIGNMENT

FOR VALUE RECEIVED the undersigned sell(s), assign(s) and transfer(s) unto

____

(Please print or type name and address, including postal zip code, of Transferee)

PLEASE INSERT SOCIAL SECURITY OR OTHER
IDENTIFYING NUMBER OF TRANSFEREE:

____

the within bond and all rights thereunder, hereby irrevocably constituting and appointing ____, Attorney, to transfer said bond on the books kept for the registration thereof, with full power of substitution in the premises.

Dated: ________________

Signature Guaranteed

____

NOTICE: Signature(s) must be guaranteed by an Eligible Guarantor Institution such as a Commercial Bank, Trust Company, Securities Broker/Dealer, Credit Union or Savings Association who is a member of a medallion program approved by The Securities Transfer Association, Inc.

____

(Signature of Registered Owner)

NOTICE: The signature above must correspond with the name of the registered owner as it appears on the front of this bond in every particular, without alteration or enlargement or any change whatsoever.