



DANVILLE CITY COUNCIL REGULAR MEETING AGENDA

MUNICIPAL BUILDING

August 5, 2021

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 - Vice Mayor Gary P. Miller

PLEDGE OF ALLEGIANCE TO THE FLAG

COMMUNICATIONS FROM VISITORS

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

MEETING MINUTES

- A. Consideration of Approval of Minutes from Regular Council Meeting held on July 6, 2021.
Council Letter Number CL - 2591.

OLD BUSINESS

- A. Consideration of Authorizing Utilization of the City's Fiscal Year 2022 Borrowing Capacity to Issue General Obligation Bonds.
Council Letter Number CL - 2567.

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.

FINAL ADOPTION

- B. Consideration of Requesting the Circuit Court to Order a Special Election on the Issuance of General Obligation School Bonds.
Council Letter Number CL - 2588.

An Ordinance of the Council of the City of Danville, Virginia, Requesting the Circuit Court to Order a Special Election on the Issuance of General Obligation School Bonds in the Maximum Principal Amount of \$141,000,000 and Authorizing Such Bonds.

FINAL ADOPTION

NEW BUSINESS

- A. Consideration of Amending the Zoning Ordinance to Update Article 8, Parking and Loading Requirements.
Council Letter Number CL - 2592.

1. Public Hearing
2. An Ordinance Repealing and Reordaining Chapter 41 Entitled "Zoning Ordinance" of the Code of the City of Danville, Virginia, 1986, As Amended, More Specifically Updating, Reorganizing, and Clarifying Article 8, Entitled "Parking and Loading Requirements."

- B. Consideration of Amending the Zoning Ordinance on Regulations for Satellite Dishes.
Council Letter Number CL - 2593.

1. Public Hearing
2. An Ordinance Amending Chapter 41 Entitled "Zoning Ordinance" of the Code of the City of Danville, Virginia, 1986, As Amended, more Specifically Updating Article 2, Entitled "General Regulations" Section P. Entitled "Accessory Uses and Structures", Item 11 to Provide Different Regulations for Satellite Dishes Less or Greater Than 3'.

- C. Consideration of Vacating Two Unused City Easements in Pittsylvania County.
Council Letter Number CL - 2568.

1. Public Hearing
2. A Resolution Authorizing the Abandonment of Two Unused City Easements Across Property in Pittsylvania County in Order to Facilitate the Development of Solar Energy Installations Upon the Same Property.

- D. Consideration of Reimbursing Expenditures with Proceeds of a Borrowing.
Council Letter Number CL - 2566.

Resolution of Official Intent to Reimburse Expenditures with Proceeds of a Borrowing.

- E. Consideration of Amending the Fiscal Year 2022 Budget Appropriation Ordinance for Additional State Aviation Funding.
Council Letter Number CL - 2583.

An Ordinance Amending the Fiscal Year 2022 Budget Appropriation Ordinance to Provide for Additional State Aviation Funding for the Purpose of Completing Design Services to Develop an Aircraft Parking Ramp and Automobile Parking Lot for Future Corporate Hangar Development in the Amount of \$71,116 Plus Local Share in the Amount of \$17,779 to be Provided by a Transfer from the Support of General Funds and Appropriating Same.

FIRST READING

- F. Consideration of Amending the Fiscal Year 2022 Budget Appropriation Ordinance in the Amount of \$200,000 for the Purchase of 53.45 Acres at Anglers Park.
Council Letter Number CL - 2585.

An Ordinance Amending the Fiscal Year 2022 Budget Appropriation Ordinance to Provide for an Award from the Virginia Outdoors Foundation in the Amount of \$200,000 for the Purchase and

Development of 53.45 Acres at Anglers Park and Appropriation of Same.

FIRST READING

- G. Consideration of Amending the Fiscal Year 2022 Budget Appropriation Ordinance for Economic Development Incentives in the Amount of \$1,025,000.
Council Letter Number CL - 2586.

An Ordinance Amending the Fiscal Year 2022 Budget Appropriation Ordinance for One Commonwealth Opportunity Fund Grant from the Virginia Economic Development Partnership in the Amount of \$135,000, Two Tobacco Region Opportunity Fund Grants from the Virginia Tobacco Region Revitalization Commission in the Amounts of \$350,000 and \$270,000, and One for a Total of Tobacco Region Opportunity Fund Loan from the Virginia Tobacco Region Revitalization Commission in the Amount of \$270,000 for a total of \$1,025,000 as Economic Development Incentives for Taxable Capital Investments and Job Creation in the Commonwealth of Virginia.

FIRST READING

COMMUNICATIONS FROM:

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

ADJOURNMENT

Council Letter

City of Danville, Virginia



CL-2591

Meeting Minutes A.

City Council Regular Meeting

Meeting Date: 08/05/2021

Subject: Consideration of Approval of Meeting Minutes

From: Susan M. DeMasi, City Clerk

COUNCIL ACTION

Business Meeting: 08/05/2021

SUMMARY

Consideration of Approval of Minutes from Regular Council Meeting held on July 6, 2021.

Council Letter Number CL - 2591.

Attachments

Meeting Minutes

July 6, 2021

The Regular July meeting of the Danville City Council was held on July 6, 2021, 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 P. Mayo, Vice Mayor Gary P. Miller, Sherman M. Saunders, J. Lee Vogler, Jr., and Madison J.R. Whittle (9).

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

INVOCATION

The Invocation was given by L.G. "Larry" Campbell, Jr., followed by the Pledge of Allegiance.

COMMUNICATIONS FROM VISITORS

Mayor Jones recognized Katherine Wall, 127 Fairway Drive, who noted there were some power lines hanging near the road which spark when it rains, and the golf carts from Southern Hills Golf Course need to come to a stop when they approach Elizabeth Street to cross.

Mayor Jones recognized Tommy Bennett, President of the Danville Chapter of the NAACP who noted he would like to recognize Ethan and Julie Brown from Two Witches Brewery who open their events to everyone, and thanked them for bringing everyone together.

CONSENT AGENDA

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

Approval of Minutes from Regular Council Meeting held on June 1, 2021. Draft copies of the Minutes had been distributed prior to the meeting.

Amending the Fiscal Year 2021 Budget Appropriation Ordinance for Additional Federal Aviation Funding.

An Ordinance entitled, Ordinance No. 2021-06.06 Amending the Fiscal Year 2021 Budget Appropriation Ordinance to Provide for Additional Federal Aviation Funding for the Purpose of Completing Design Services to Rehabilitate Taxiway Connections and the South Ramp at the Danville Regional Airport with no Local Matching Share.

The Motion was **seconded** by Council Member Whittle 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

PUBLIC HEARING – CONSIDERATION OF GRANTING A SPECIAL USE PERMIT FOR A DUPLEX AT 346 VIRGINIA AVENUE

July 6, 2021

Mayor Jones opened the floor for a Public Hearing regarding a Special Use Permit at 346 Virginia Avenue. Notice of the Public Hearing was published in the *Danville Register & Bee* on June 22, 2021 and June 29, 2021. 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. 2021-07.01

GRANTING SPECIAL USE PERMIT APPLICATION PLSUP 2021-124, FILED BY BRENT COCHRAN REQUESTING A SPECIAL USE PERMIT FOR A DUPLEX IN ACCORDANCE WITH ARTICLE 3.E SECTION C.2. OF THE DANVILLE ZONING ORDINANCE AT 346 VIRGINIA AVENUE (PARCEL ID# 24011).

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

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

STATEMENT OF CONFLICT OF INTEREST

I, James B. Buckner, do hereby state that I have a conflict of interest regarding the consideration of an Ordinance granting a Special Use Permit at 346 Virginia Avenue, listed on the agenda as New Business item (A). Therefore, pursuant to the State and Local Government Conflict of Interest Act, Virginia Code §2.2-3112, I must abstain from voting on this agenda item.

Witness my signature this 6th day of July, 2021.

s/James B. Buckner

PUBLIC HEARING – CONSIDERATION OF A RESOLUTION DENYING A SPECIAL USE PERMIT AT 259 GUILFORD STREET

Mayor Jones opened the floor for a Public Hearing regarding Denying a Special Use Permit at 259 Guilford Street. Notice of the Public Hearing was published in the *Danville Register & Bee* on June 22, 2021 and June 29, 2021. Mayor Jones recognized Shirley Hightower, applicant, who explained the first time she missed the Planning Commission meeting, she did not know she had to attend. The second time she was late because she looked at the time wrong, and believes that was why she got denied. No one further desired to be heard and the Public Hearing was closed.

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

RESOLUTION NO. 2021-07.01

DENYING SPECIAL USE PERMIT APPLICATION PLSUP 2021-125, FILED BY SHIRLEY AND DONNIS HIGHTOWER, REQUESTING A SPECIAL USE PERMIT FOR A FAMILY DAY CARE HOME IN ACCORDANCE WITH ARTICLE 3.E, SECTION C.24. OF THE DANVILLE ZONING ORDINANCE AT 259 GUILFORD STREET (PARCEL ID# 51026).

July 6, 2021

The Motion was **seconded** by Council Member Mayo.

Council Member Whittle questioned if Council voted this down, could she come back and start the process over again. Council Member Vogler noted he believed the majority of Council was about to vote "No" on the Resolution to deny, and add a Motion to Approve her request so she will not have to go back. In response to Mayor Jones, City Attorney Clarke Whitfield explained there was currently a Resolution on the floor; it would be proper to vote that down and then let a motion be made to approve an Ordinance.

The **Motion** failed by the following vote:

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

Council Member Vogler **moved** for adoption of a **Substitute Motion**, an Ordinance entitled:

ORDINANCE NO. 2021-07.08

GRANTING SPECIAL USE PERMIT APPLICATION PLSUP 2021-125, FILED BY SHIRLEY AND DONNIS HIGHTOWER, REQUESTING A SPECIAL USE PERMIT FOR A FAMILY DAY CARE HOME IN ACCORDANCE WITH ARTICLE 3.E, SECTION C.24. OF THE DANVILLE ZONING ORDINANCE AT 259 GUILFORD STREET (PARCEL ID# 51026).

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

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

PUBLIC HEARING – CONSIDERATION OF REZONING AT 1083 FRANKLIN TURNPIKE

Mayor Jones opened the floor for a Public Hearing regarding Rezoning at 1083 Franklin Turnpike. Notice of the Public Hearing was published in the *Danville Register & Bee* on June 22, 2021 and June 29, 2021. No one present desired to be heard and the Public Hearing was closed.

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

ORDINANCE NO. 2021-07.02

REZONING 1083 FRANKLIN TURNPIKE (PARCEL ID#S 54397 AND 53892), FROM OT-R OLD TOWN RESIDENTIAL TO "CONDITIONAL" TO-C TRANSITIONAL OFFICE COMMERCIAL.

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

July 6, 2021

PUBLIC HEARING – CONSIDERATION OF REZONING 816 WEST MAIN STREET

Mayor Jones opened the floor for a Public Hearing regarding Rezoning at 816 West Main Street. Notice of the Public Hearing was published in the *Danville Register & Bee* on June 22, 2021 and June 29, 2021. No one present desired to be heard and the Public Hearing was closed.

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

ORDINANCE NO. 2021-07.03

REZONING 816 WEST MAIN STREET (PARCEL ID#S 57237 AND 57238) FROM OT-R OLD TOWN RESIDENTIAL TO HR-C HIGHWAY RETAIL COMMERCIAL

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

PUBLIC HEARING – CONSIDERATION OF GRANTING A SPECIAL USE PERMIT AT 145 FRANKLIN TURNPIKE

Mayor Jones opened the floor for a Public Hearing regarding Rezoning at 145 Franklin Turnpike. Notice of the Public Hearing was published in the *Danville Register & Bee* on June 22, 2021 and June 29, 2021. Mayor Jones recognized Wanda Joyner, 120 Freeze Road, applicant for the Special Use Permit. Ms. Joyner noted she acquired the property at 145 Franklin Turnpike, and was doing renovations for a daycare center. No one further desired to be heard and the Public Hearing was closed.

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

ORDINANCE NO. 2021-07.04

GRANTING SPECIAL USE PERMIT APPLICATION PLSUP 2021-168, FILED BY WANDA JOYNER, ON BEHALF OF MW REAL PROPERTIES LLC, REQUESTING A SPECIAL USE PERMIT FOR A DAY CARE CENTER IN ACCORDANCE WITH ARTICLE 3.M, SECTION C.6. OF THE DANVILLE ZONING ORDINANCE AT 145 FRANKLIN TURNPIKE (PARCEL ID# 52599).

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

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

PUBLIC HEARING – CONSIDERATION OF REZONING 1100 WEST MAIN STREET

Mayor Jones opened the floor for a Public Hearing regarding Rezoning at 1100 West Main Street. Notice of the Public Hearing was published in the *Danville Register & Bee* on June 22, 2021 and

July 6, 2021

June 29, 2021. Mayor Jones recognized Steven Gould, Byrnes Gould Law, on behalf of Caesars Virginia, who noted he was there to answer any questions related to this request. No one further desired to be heard and the Public Hearing was closed.

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

ORDINANCE NO. 2021-07.05

REZONING 1100 WEST MAIN STREET (PARCEL ID# 51530), FROM M-I INDUSTRIAL MANUFACTURING DISTRICT TO C-E CASINO ENTERTAINMENT DISTRICT.

The Motion was **seconded** by Vice Mayor Miller and carried by the following vote:

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

Mayor Jones asked Mr. Gould what the next steps were with Caesars, and Mr. Gould introduced Mark Schlang, the Design and Construction team member for Caesars, overseeing the project. Mr. Schlang explained they were in the process of receiving bids for the first phase, which was demolition of the existing structures on the property; hopefully they will have an award in the next few weeks. They were also doing a hazardous survey of the property, and their team was designing; hopefully in the next few months they will be able to start to share some exciting pictures of where they were heading with the project.

PUBLIC HEARING – CONSIDERATION OF AMENDING THE ZONING ORDINANCE TO ALLOW CONTRACTOR’S ESTABLISHMENTS IN THE HR-C ZONING DISTRICT

Mayor Jones opened the floor for a Public Hearing regarding Amendment to the Zoning Code. Notice of the Public Hearing was published in the *Danville Register & Bee* on June 22, 2021 and June 29, 2021. Mayor Jones recognized Steven Gould with Byrnes Gould Law who noted he was here on behalf of the applicant to answer any questions, and stated they appreciated Mr. Plachcinski and his team working with them to find a compromise. No one further desired to be heard and the Public Hearing was closed.

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

ORDINANCE NO. 2021-07.06

AMENDING AND REORDAINING CHAPTER 41 ENTITLED “ZONING ORDINANCE” OF THE CODE OF THE CITY OF DANVILLE, VIRGINIA, 1986, AS AMENDED, MORE SPECIFICALLY, TO AMEND ARTICLE 3.M., ENTITLED “HR-C, HIGHWAY RETAIL COMMERCIAL”, SECTION B. ENTITLED “PERMITTED USES” TO ADD A SUBSECTION 34 ENTITLED “CONTRACTOR’S OFFICES AND SHOPS” AND SECTION C. ENTITLED “USES PERMITTED BY SPECIAL USE PERMIT” TO ADD SUBSECTION 29 ENTITLED. “CONTRACTORS OFFICES AND SHOPS WITH STORGE YARDS”.

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

VOTE: 9-0

July 6, 2021

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

**PUBLIC HEARING – CONSIDERATION OF AMENDING THE ZONING ORDINANCE TO ADD
A DEFINITION FOR CANNABIS DISPENSING FACILITY**

Mayor Jones opened the floor for a Public Hearing regarding Amendment to the Zoning Code. Notice of the Public Hearing was published in the *Danville Register & Bee* on June 22, 2021 and June 29, 2021. 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. 2021-07.07

AMENDING AND REORDAINING CHAPTER 41, ENTITLED “ZONING ORDINANCE” OF THE CODE OF THE CITY OF DANVILLE, VIRGINIA, 1986, AS AMENDED, MORE SPECIFICALLY TO AMEND ARTICLE 15, ENTITLED “DEFINITIONS” SECTION B ENTITLED “DEFINITIONS” TO ADD A DEFINITION FOR CANNABIS DISPENSING FACILITY AND TO AMEND ARTICLE 3.J, ENTITLED “N-C NEIGHBORHOOD COMMERCIAL (NEIGHBORHOOD RETAIL COMMERCIAL DISTRICT)” TO ADD A NEW SUBSECTION 16 ENTITLED “CANNABIS DISPENSING FACILITIES”.

The Motion was **seconded** by Council Member Buckner.

Council Member Whittle noted he believed it should read Medical Cannabis Dispensing Facility. Mr. Whitfield explained this definition comes directly out of the State Code and makes it very clear that it was for medical cannabis use only. In order to get access to this facility, a citizen will need to have a prescription from a doctor, and a license; it was strictly for medical purposes only.

Mr. Saunders noted it talks about a dispensing facility, does that mean any medical facility can dispense it, and Mr. Whitfield explained the facility would have to get a license from the Commonwealth. As he understood it, there was probably only going to be one facility per jurisdiction. Mr. Whitfield read the state definition to Council: “cannabis dispensing facility is a facility that (1) has obtained a permit from the Virginia Board of Pharmacy, (2) is owned at least in part by a pharmaceutical processor and (3) dispenses cannabis oil produced by a pharmaceutical process to a registered patient, his registered agent or if the patient is a minor or incapacitated adult, to such patient’s parent or legal guardian.”

Mr. Whittle questioned the difference between NR-C and HR-C, and Zoning Administrator Doug Plachcinski explained typically the neighborhood retail commercial zones were intended to serve a smaller geographic area for their customers, the immediate neighborhoods, not a regional draw or a lot of traffic going through like a highway center would be for a main shopping center. The Neighborhood Commercial districts were local, smaller in scale and staff thinks it fits in well with compassionate care elements of medical cannabis. Mr. Plachcinski explained the state rules to get the licensing from the Board of Pharmacy states the applicant has to show that their site was at least 1,000 feet away from any school or daycare center; staff didn’t incorporate that into the Zoning Ordinance because that distance requirement was already there.

Council Member Vogler noted what Council was voting on this evening has nothing to do with what was or wasn’t coming eighteen months from now. They were discussing medical cannabis,

July 6, 2021

one facility that has to be licensed to dispense, and the people going in have to have a prescription from a doctor. They were hearing a lot of different comments about different things; that was not what Council was talking about tonight. He wanted to be clear because that was a completely different discussion and Council will have that when the time comes.

Council Member Saunders noted this became legal on July 1, and some businesses have already opened and selling the product; maybe the City could learn who those business were and how did they comply with all the rules and regulations. Mr. Whitfield explained there was going to be one in Bristol, Roanoke, Lynchburg, Danville, and there may be one in Abington; right now that was where the licenses were going to be. Dr. Miller questioned recreational cannabis and Mr. Whitfield noted that was something else, and it was something the City needed to have a discussion on; this item did not include recreational use of marijuana.

The **Motion** passed with the following vote:

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

PUBLIC HEARING – CONSIDERATION OF AUTHORIZING AN APPLICATION TO THE VIRGINIA DEPARTMENT OF RAIL AND PUBLIC TRANSPORTATION

Mayor Jones opened the floor for a Public Hearing regarding Authorizing an Application to the VA Department of Rail. Notice of the Public Hearing was published in the *Danville Register & Bee* on June 16, 2021 and June 20, 2021. No one present desired to be heard and the Public Hearing was closed.

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

RESOLUTION NO. 2021-07.02

AUTHORIZING AN APPLICATION BY THE CITY TO THE VIRGINIA DEPARTMENT OF RAIL AND PUBLIC TRANSPORTATION FOR GRANTS FOR OPERATING AND CAPITAL COSTS FOR PUBLIC TRANSPORTATION FOR FISCAL YEAR 2022.

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

BUDGET AMENDMENT – CONSIDERATION OF AMENDING THE FISCAL YEAR 2022 BUDGET APPROPRIATION ORDINANCE FOR VIRGINIA DEPARTMENT OF AVIATION AIRPORT MAINTENANCE FUNDS, AND LOCAL SHARE FOR A TOTAL APPROPRIATION OF \$120,000

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

ORDINANCE NO. 2021-07.09

AMENDING THE FISCAL YEAR 2022 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 \$100,000 AND FOR THE LOCAL SHARE IN THE AMOUNT OF \$20,000 FOR A TOTAL APPROPRIATION OF \$120,000 AND APPROPRIATING THE SAME.

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

Mayor Jones questioned what was made legal on July 1, and Mr. Whitfield stated the possession of up to one ounce of marijuana by adults twenty-one and over, adults twenty-one and over can cultivate up to four plants, and adults in private can share up to one ounce without payment. Citizens cannot smoke it in their car, but can smoke it in their homes. Mr. Whitfield stated what was not legal was public consumption, consumption or possession by anyone under the age of twenty-one, consumption in a motor vehicle, persons cannot have an open container of marijuana in a public vehicle, and they cannot sell or purchase cannabis outside of the medical programs. If their job prohibits the use of marijuana, the job will still prohibit the use of marijuana, and the Virginia Department of Housing was not going to allow the cultivation or use within public housing. There will be a lot of restrictions because the property owner gets to control anything that goes on in their property.

COMMUNICATIONS

City Manager Ken Larking thanked the Parks & Recreation Department for all the events that occurred on Independence Day, noting he participated in the 8:00 a.m. Patriot Challenge. Parks & Rec staff put together many events for the community, working from before 8:00 a.m. in the morning until past dark with the fireworks show. Mr. Larking noted there were staff from the Police and Fire Department and the Lifesaving Crew working as well.

City Attorney Clarke Whitfield noted Alan Spencer who was an Assistant City Attorney in their office for twelve years, as of July 1st was promoted to Deputy City Attorney. Ryan Dodson had been a full time temporary employee, was now a full time permanent Assistant City Attorney.

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

Council Member Hood noted the City had a lot of phenomenal events this weekend, and there was a lot of unity throughout the City. He had the opportunity of visiting different playgrounds in the City, seeing what was out there, and he was able to meet with a group of tennis players that play tennis every Monday, Thursday and Saturday, twelve months out of the year. They play at GW where they teach the youth as well. Hats off to Parks & Rec for their programs and engaging the City.

Vice Mayor Miller noted at the last Utility Commission meeting, they discussed the new West Fork Substation, a substation needed for the western part of the City and the County. Dr. Miller stated there was a list in the paper recently regarding the rebates that were approved, to promote energy efficiency in the City, and the battery storage facility was still on track for next spring. There were a lot of good events over the weekend, one in Cardinal Village where Constance Covington was honored, and a new education center was opened. Dr. Miller noted six people recently died in Eden in an accident with a low head dam; he would like to have staff find out the cost to remove the dam, and bring that information back to Council.

July 6, 2021

Council Member Saunders noted a special thanks to staff, everyone involved in serving and protecting the City. Mr. Saunders noted the design plans for Caesars, whatever that plan ends of up being, the City would need to look at traffic and infrastructure; will the City be looking at infrastructure, will it be in conjunction with Caesar's plan, before or after.

Mr. Larking explained some of the work has begun, so it will be before the plan. The City has done one traffic study already, there may be another one in conjunction with the Schoolfield Master Plan. That Master Plan was being conducted through the IDA, will examine the Schoolfield area including the neighborhood and the corridor leading down business 29 from North Carolina to the site, and from the site to downtown. There will be a corridor study for both of those areas which will examine a number of things including the businesses, what uses should be there, traffic, what the City can expect and how they can best respond to what they know will happen in the next couple years.

Council Member Vogler noted he hoped citizens had a wonderful Fourth of July weekend; he and his family had a great time watching the fireworks by the River. Mr. Vogler stated he was opposed to removing the dam and has been every time it has come up in the last several years, for several reasons. The accident that recently happened did not happen in Danville, the City has signs up at the dam to tell people to stay off it and there was only so much that could be done to protect people from themselves. Mr. Vogler noted an informal poll on-line shows 128 people opposed to the dam being removed and four people in favor, two undecided, and believes that was reflective of how the majority of the population feels.

Council Member Whittle stated Danville has jobs, entry level jobs, higher paying jobs, and encouraged people to come to Danville.

Council Member Buckner noted the City's Fourth of July celebration was phenomenal, with an excellent job done by the public safety officers and other staff. Mr. Buckner asked that the City have a FAQ tab put on the City's website about the cannabis issue for the citizens.

Mayor Jones noted the City Attorney does a great job, thanked him for what he does, and commended him for promoting within his department, and Mr. Gould was doing a great job keeping the City updated on Caesars. Mayor Jones stated there was a lot going on in the community and thanked Council for what they do, and Mr. Bennett for what he does for the community.

ADJOURNED: 8:11 P.M.

APPROVED:

MAYOR

ATTEST:

CITY CLERK

Council Letter

City of Danville, Virginia



CL-2567

Old Business A.

City Council Regular Meeting

Meeting Date: 08/05/2021

Subject: Ordinance Authorizing Use of Fiscal Year 2022 Debt Capacity

From: Michael Adkins, Director of Finance

COUNCIL ACTION

First Reading: 07/20/2021

Final Adoption: 08/05/2021

SUMMARY

The City's Charter grants the ability to issue bonds, within a specified annual limit, without a referendum. Each year's bond capacity may carry forward to the next fiscal year, if the authorization is granted by Council prior to June 30. Approving the attached Ordinance does not allow the City to issue debt, it only reserves the capacity to issue debt based on the Fiscal Year 2022 legal limits for issuing debt without a referendum. This capacity is only available from now until the end of the subsequent fiscal year (June 30, 2023). Council would need to approve a Resolution for the issuance or refunding of debt before the City can actually issue debt. A separate Resolution will be presented at a future meeting for approval in order to issue new bonds to finance the FY 2022 Capital Improvement Plan in accordance with Council's adopted budget for FY 2022.

BACKGROUND

The City's Charter grants the ability to issue up to \$6,000,000 principal amount of bonds to finance any capital expenditures other than expenditures relating to the City's water, sewer, gas, and/or electric systems. Further, the Charter grants authority to issue up to \$10,000,000 principal amount of bonds to finance capital expenditures related to the City's water, sewer, gas, and electrical systems, or other specific undertakings from which a revenue may be derived. The Charter also allows an additional \$25,000,000 in principal amount of bonds to be issued to finance capital expenditure relating to the City's water treatment, wastewater treatment, stormwater treatment, solid waste disposal, or recycling facilities, and any extraordinary maintenance improvements or expansion of transmission and distribution infrastructure for the electric or gas systems. Each of the amounts may be authorized annually without referendum and may carry forward one fiscal year, if authorized prior to June 30.

The Fiscal Year 2022 budget for capital projects includes potential bond financing of approximately \$8.9 million of general governmental projects. The passing of this Ordinance will allow access to the borrowing capacity needed to finance these approved projects, but does not actually authorize the issuance of the bonds. A separate Resolution to authorize bonds will need to be approved in order to issue the debt.

RECOMMENDATION

It is recommended City Council approve the attached Ordinance authorizing utilization of the City's Fiscal Year 2022 borrowing capacity to issue General Obligation bonds of the City of Danville, Virginia, in the maximum principal amount of \$6,000,000, pursuant to Section 9-7A of the City Charter, as well as a maximum amount of \$10,000,000, pursuant to Section 9-7D of the City Charter.

Attachments

Ordinance

PRESENTED: _____

ADOPTED: _____

ORDINANCE NO. 2021-_____

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.

WHEREAS, Section 9-7A of the City Charter allows the City of Danville, Virginia (the "City"), to issue each fiscal year up to \$6,000,000 principal amount of bonds to finance any capital expenditures other than for capital expenditures relating to the City's water, sewer, gas and/or electric systems, without submitting the question of their issuance to the voters; and

WHEREAS, the Council of the City (the "Council") has not authorized or issued any bonds pursuant to Section 9-7A for the fiscal year that began July 1, 2021, and the Council now desires to authorize the issuance of up to \$6,000,000 principal amount of bonds in accordance with such Charter provision; and

WHEREAS, Section 9-7D of the City Charter allows the City to issue each fiscal year up to \$10,000,000 principal amount of bonds 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, without submitting the question of their issuance to the voters; and

WHEREAS, the Council has not authorized or issued any bonds pursuant to Section 9-7D for the fiscal year that began July 1, 2021, and the Council now desires to authorize the issuance of a up to \$10,000,000 principal amount of bonds in accordance with such Charter provision;

NOW, THEREFORE, BE IT ORDAINED by the Council of the City of Danville, Virginia, that:

1. It is determined to be necessary and expedient for the City to plan, design, acquire, construct, extend, renovate and/or improve the Projects described below, all of which are determined to promote the development and public welfare of the City, to borrow money for such purposes and to issue the City's bonds therefor.

2. Pursuant to Section 9-7A of the City Charter, there are authorized to be issued general obligation bonds in the maximum principal amount of \$6,000,000 to provide funds for any capital expenditures (other than for capital expenditures relating to the City's water, sewer, gas and/or electric systems), including but not limited to financing various capital expenditures for general governmental purposes including, without limitation, (a) fire and police equipment, (b) information technology software and systems, (c) parks and recreation facility improvements, (d) public building improvements (including, without limitation, roof, elevator and HVAC improvements), (e) acquisition and installation of emergency generators, (f) sidewalk, street and parking lot improvements, (g) stormwater system upgrades, and (h) airport improvements (collectively, the "Project"). Such bonds may be issued as one or more separate issues or may be combined with bonds authorized for other purposes and issued as a single issue.

3. Pursuant to Section 9-7D of the City Charter, there are authorized to be issued general obligation and/or revenue bonds in the maximum principal amount of \$10,000,000 to provide funds, together with other available funds, for 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 (collectively, the "9-7D Project" and, together with the 9-7A Project, the "Projects"). Such bonds may be issued as one or more separate issues or may be combined with bonds authorized for other purposes and issued as a single issue.

4. The bonds shall conform to Section 9-5 of the City Charter and shall bear such date or dates, mature at such time or times, bear interest at such rate or rates, be in such denominations and form, be executed in such manner, and be sold at such time or times and in such manner as the Council shall hereafter provide by appropriate resolution or resolutions. All bonds issued to finance capital expenditures shall be made payable within the average probable period of usefulness of the improvements or undertakings to be financed. The Council shall make such determinations pursuant to such resolution or resolutions.

5. As determined by Council pursuant to subsequent resolution, the bonds shall be issued as general obligations of the City to which the City's full faith and credit of the City shall be irrevocably pledged, or, in the alternative for purposes of financing the 9-7D Project, the bonds may be issued as revenue obligations to which the revenues of the City's electric, gas, water and/or wastewater systems shall be irrevocably pledged.

6. The City Clerk, in collaboration with the City Attorney, is authorized and directed to see to the immediate filing of a certified copy of this Ordinance in the Circuit Court of the City of Danville.

7. This Ordinance shall take effect immediately.

APPROVED:

MAYOR

ATTEST:

CLERK

Approved as to Form and
Legal Sufficiency:

CITY ATTORNEY

Council Letter

City of Danville, Virginia



CL-2588

Old Business B.

City Council Regular Meeting

Meeting Date: 08/05/2021

Subject: Intitation of Referendum for School Bonds

From: Michael Adkins, Director of Finance

COUNCIL ACTION

First Reading: 07/20/2021

Final Adoption: 08/05/2021

SUMMARY

At its May 20, 2021 meeting, the School Board of the City of Danville determined that needed construction and improvements to Danville Public Schools' facilities, physical plants, security, and technology infrastructure were critically overdue, and the Board determined that it had insufficient existing capital funding to meet its long-term capital needs for construction, renovation, technology and security upgrades to its facilities. The Board also formally requested that the City Council of the City of Danville, pursuant to Virginia Code § 58.1-605.1, initiate a referendum on the question of, whether the City shall levy a one percent (1%) sales tax that will be solely used to finance those bonds for the construction or renovation of schools. An ordinance is now needed requesting the Circuit Court to order a special election on the issuance of the related general obligation bonds for these construction and improvement projects.

BACKGROUND

The Virginia General Assembly approved HB 1634, which was signed into law by the Governor on March 19, 2019, and which took effect on July 1, 2019, as Chapter 648 of the 2019 Acts of the General Assembly of the Commonwealth of Virginia. HB 1634 is codified at Virginia Code §58.1-605.1. It provides the City of Danville with the statutory authority to levy a general retail sales tax at a rate not to exceed one percent (1%) to provide revenue solely for capital projects for the construction or renovation of schools in the City of Danville if approved by a majority of the voters in a referendum, held in accordance with Virginia Code §24.2-684 and initiated by a resolution of the Council of the City of Danville. This resolution was passed by City Council on June 1, 2021.

After analyzing the revenue that will be generated by this 1% local option sales tax, and working with Davenport & Company the City's financial advisor, it has been determined that general obligation bonds in the amount of \$141 million could be issued. The resulting debt service would be covered in full by the 1% local option sales tax revenue, with any excess revenue being used for pay-as-you-go school capital needs. This is the maximum amount that would be issued. The actual amount of bonds issued may be less once project timelines, the mix of taxable/nontaxable bonds, and the prevailing interest rates have been determined.

RECOMMENDATION

Staff recommends adoption of this ordinance to initiate a referendum on the question of, whether the City shall issue general obligation bonds for the capital construction and improvement needs of Danville Public Schools, in an amount not to exceed \$141 million. Further, Council authorizes and directs the City Attorney and such other appropriate officers of the City of Danville to execute, deliver, and file all such documents, pleadings, petitions, certificates, and instruments, and to take all such further actions as may be necessary, expedient or desirable in connection with, and that are in conformity with the purposes of this ordinance to initiate the above referenced referendum to be held on November 2, 2021.

Attachments**ORDINANCE**

PRESENTED: _____

ADOPTED: _____

ORDINANCE NO. 2021-____

AN ORDINANCE OF THE COUNCIL OF THE CITY OF DANVILLE, VIRGINIA, REQUESTING THE CIRCUIT COURT TO ORDER A SPECIAL ELECTION ON THE ISSUANCE OF GENERAL OBLIGATION SCHOOL BONDS IN THE MAXIMUM PRINCIPAL AMOUNT OF \$141,000,000 AND AUTHORIZING SUCH BONDS.

WHEREAS, the School Board of the City of Danville, Virginia (the "School Board"), has determined to undertake a program of capital improvement projects involving the renovation of, and construction of additions to, Danville public schools (the "Project").

NOW THEREFOR, BE IT ORDAINED BY THE COUNCIL OF THE CITY OF DANVILLE, VIRGINIA:

1. The Council (the "Council") of the City of Danville, Virginia (the "City"), hereby determines that it is necessary and expedient to undertake the Project and concurs in the determination by the School Board that the Project will promote the public welfare of the City and its inhabitants.

2. The Council determines that it is advisable to contract a debt and issue general obligation school bonds of the City in the maximum principal amount of \$141,000,000 ("Bonds") pursuant to the City Charter and the Public Finance Act of 1991 to provide funds, together with other available funds, to finance the costs of the Project and to pay the costs of issuing the Bonds.

3. The Bonds shall conform to Section 9-5 of the City Charter and shall bear such date or dates, mature at such time or times not exceeding the maximum period of years as permitted by law pursuant to the Public Finance Act of 1991 and the City Charter, bear interest at such rate or rates, be in such denominations and form, be executed in such manner and be sold, in one or more series, at such time or times and in such manner as the Council shall hereafter provide by appropriate resolution or resolutions.

4. The Bonds shall be general obligations of the City for the payment of principal of and premium, if any, and interest on which its full faith and credit shall be irrevocably pledged.

5. The Council requests the Circuit Court of the City of Danville, Virginia, to order an election to be held pursuant to Sections 15.2-2610 and 15.2-2611 of the Code of Virginia of 1950, as amended, on the question of contracting a debt and issuing the Bonds for such purpose. The Council hereby requests that the Circuit Court order the ballot question to be worded in substantially the following form:

QUESTION: Shall the City of Danville, Virginia, contract a debt and issue its general obligation public improvement bonds in the maximum amount of ONE HUNDRED FORTY-ONE MILLION DOLLARS (\$141,000,000) to provide funds, together with other available funds, to undertake a program of capital improvement projects involving the renovation of, and construction of additions to, Danville public schools?

6. The Council hereby determines that the average probable period of usefulness of the improvements undertaken as part of the Project is not less than twenty-five (25) years.

7. The City Clerk, in collaboration with the City Attorney, is authorized and directed to see to the immediate filing of a certified copy of this ordinance to be filed with the Circuit Court of the City of Danville, Virginia.

8. This Ordinance shall take effect immediately upon final adoption.

Adopted this 5th day of August, 2021.

APPROVED:

MAYOR

ATTEST:

CLERK

Approved as to Form and
Legal Sufficiency:

CITY ATTORNEY

Council Letter

City of Danville, Virginia



CL-2592

New Business A.

City Council Regular Meeting

Meeting Date: 08/05/2021

Subject: Consideration of a Zoning Ordinance Text Amendment Regarding Parking Requirements.

From: Doug Plachcinski, Planning Division Director

COUNCIL ACTION

Business Meeting: 08/05/2021

SUMMARY

Text Amendment PLRZ 2021-223, initiated by the City of Danville Planning Director requests to amend Chapter 41 entitled "Zoning Ordinance" of the Code of the City of Danville, Virginia, 1986 as amended. Specifically, updating, reorganizing, and clarifying Article 8, Parking and Loading Requirements into subsections Purpose; General Parking and Loading Provisions; Off-Street Parking Area Construction and Maintenance; Off-Street Parking Area Layout and Dimensions; Off-Street Loading; Required Parking Spaces Computation; Minimum Parking Spaces; Stacking Lanes; Private Streets, Drive Aisles, and Combined Drive Aisles and Parking Bays; and Electric Vehicle Parking.

BACKGROUND

The Planning Commission initiated a parking standards review in 2019, however other issues arose that delayed their work. The Planning Division examined the previous work, held a work session with the Commission, and presented the revised ordinance Article at the July 12, 2021 meeting.

RECOMMENDATION

The Planning Commission, at their July 12, 2021 meeting, voted 4-0 to recommend approval of the text amendment.

Attachments

Ordinance

PLANNING BACKUP

Attachment 1

PRESENTED: _____

ADOPTED: _____

ORDINANCE NO. 2021-____.____

AN ORDINANCE REPEALING AND REORDAINING CHAPTER 41 ENTITLED "ZONING ORDINANCE" OF THE CODE OF THE CITY OF DANVILLE, VIRGINIA, 1986, AS AMENDED, MORE SPECIFICALLY UPDATING, REORGANIZING, AND CLARIFYING ARTICLE 8, ENTITLED "PARKING AND LOADING REQUIREMENTS"

NOW THEREFORE, BE IT ORDAINED by the Council of the City of Danville, Virginia, that Article 8., entitled "PARKING AND LOADING REQUIREMENTS", of Chapter 41, entitled "Zoning Ordinance", of the Code of the City of Danville, Virginia, 1986, as amended, be, and the same is hereby, repealed and reordained to read as attached Exhibit "A".

BE IT FURTHER ORDAINED that all other provisions and chapters of said Code be, and the same are hereby, continued in full force and effect unless and until the same are hereafter amended or repealed.

APPROVED:

MAYOR

ATTEST:

CLERK

Approved as to
Form and Legal Sufficiency:

ASSISTANT CITY ATTORNEY



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

City Planning Commission

RECOMMENDATION

DATE: JULY 20, 2021
TO: CITY COUNCIL
FROM: CITY PLANNING COMMISSION
RE: ZONING ORDINANCE TEXT AMENDMENT - PARKING

REQUEST

Text Amendment PLRZ2021-223, initiated by the City of Danville Planning Director requests to amend Chapter 41 entitled “Zoning Ordinance” of the Code of the City of Danville, Virginia, 1986 as amended. Specifically updating, reorganizing, and clarifying Article 8, Parking and Loading Requirements into subsections Purpose; General Parking and Loading Provisions; Off-Street Parking Area Construction and Maintenance; Off-Street Parking Area Layout and Dimensions; Off-Street Loading; Required Parking Spaces Computation; Minimum Parking Spaces; Stacking Lanes; Private Streets, Drive Aisles, and Combined Drive Aisles and Parking Bays; and Electric Vehicle Parking.

RECOMMENDATION

The Planning Commission, at their July 12, 2021 meeting, voted 4-0 to recommend approval of the text amendment updating, reorganizing, and clarifying Article 8, Parking and Loading Requirements into subsections Purpose; General Parking and Loading Provisions; Off-Street Parking Area Construction and Maintenance; Off-Street Parking Area Layout and Dimensions; Off-Street Loading; Required Parking Spaces Computation; Minimum Parking Spaces; Stacking Lanes; Private Streets, Drive Aisles, and Combined Drive Aisles and Parking Bays; and Electric Vehicle Parking.

Mr. Harold E. Garrison, Chair



City Planning Commission

MEMORANDUM

DATE: July 20, 2021
TO: Danville City Council
FROM: Doug Plachcinski, AICP, Planning Division Director + Zoning Administrator

RE: ARTICLE 8. - PARKING AND LOADING REQUIREMENTS AMENDMENTS

I reviewed the existing parking ordinance and the changes suggested to the Planning Commission previously. In addition to those previous alterations, The Planning Commission held a work session on June 24, 2021 to review the proposed changes and commented.

Ultimately zoning ordinance improvements can implement goals like, but not limited to:

- ✓ Promote economic growth and avoid unnecessarily strict regulations;
- ✓ Make regulations easier to understand;
- ✓ Incorporate technical best practices;
- ✓ Balance the historic and ecologic preservation with property rights;
- ✓ Ensure high quality development; and (but not least)
- ✓ Implement the City of Danville Comprehensive Plan.

The following summarizes the proposed parking amendments:

1. The amendment restates the parking purpose concisely.
2. The amendment clarifies activation and construction requirements.
3. The amendment removes potentially conflicting accessibility standards and references the Virginia Statewide Construction Code.
4. The amendment allows the Zoning administrator to review certain modifications instead of the Planning Commission.
5. The amendment consolidates loading space requirements in a single section.
6. The amendment establishes net floor area – essentially the area in a building used by people- as the basis for minimum required parking.
7. The amendment reduces require parking for dwelling units, retail, office, and industrial uses.
8. The amendment combines 53 parking categories into 25 categories. If a use is not listed or is not similar to a listed use then the parking requirement is based off the uses' allowed occupancy.
9. The amendment simplifies language for stacking spaces and private streets,
10. Lastly, the amendment requires electric vehicle charging stations for new or updated developments that need over 30 parking spaces.

EXHIBIT "A"

ARTICLE 8. -Parking and Loading Requirements

A. - Purpose.

These regulations establish off-street parking and loading requirements for buildings and uses. These requirements coincide with the intensity of buildings or uses. Parking and loading requirements prevent congestion on public streets by clearly defining and separating parking areas from roadways; remove pedestrian hazards in parking areas and public streets; create proper storm-water treatment; and make clear the availability and arrangement of spaces to all users.

B. - General Parking and Loading Area Regulations.

1. Whenever a use or an activity requiring off-street parking is created, enlarged or increased in activity or intensity, off-street parking areas for the associated use must be provided on-site and maintained.
2. Available on-street parking spaces may be counted toward the required number of off-street parking spaces if:
 - a. They are within 300' of the associated use; and
 - b. They are in the TW-C or CB-C zoning districts.
3. Required off-street parking and loading areas for new uses, additions to existing uses, and accessory uses must be determined by the regulations in effect when a change occurs. Required parking areas must not be changed to any other use unless and until equal facilities are provided and approved.
4. All off-street parking areas are solely for the parking operating vehicles by patrons, occupants, or employees of the associated use.
5. No vehicle, equipment, materials, or supply repair, dismantling, or servicing is allowed in off-street parking areas.
6. All required off-street parking and loading areas must be on the same property as the associated use except where otherwise allowed by this Article, where circumstances prevent such location, or where the public safety or the public convenience would be better served by an alternate location. The Zoning Administrator may authorize alternative and/or cooperative locations of required parking spaces subject to the following:
 - a. An alternative location must be in the same zoning district as the associated use.
 - b. If a development does not include on-site parking, then handicapped accessible spaces must be furnished as required by the current Virginia Uniform Statewide Building Code.
 - c. A shared parking location that provides parking for two (2) or more uses must be in the same ownership of at least one (1) of the properties and must have combined parking spaces equal to the sum required for the separate uses, unless the normal hours of the uses do not overlap.
 - d. The entrance to an alternative parking location must be within three hundred (300') feet and have an accessible pedestrian walking route to the associated use.
 - e. A recorded covenant or agreement, approved by the City Attorney, and recorded in the Danville Circuit Court Clerk's Office, must establish right to use an alternative parking location.
 - f. If an alternative parking location become unavailable, an equal number of parking spaces must be provided on the principal property or an alternative parking location within ninety (90) days from the date on which the alternative parking location ceased.

C.- Off-Street Parking Area Construction and Maintenance

1. For all uses, other than single-family residential, required off-street parking and loading areas must be constructed of an all-weather, stabilized, dust free surface paving with curb, gutters, and drainage improvements.
2. The Zoning Administrator may approve an alternate parking area surface only for areas used by heavy equipment.
3. For parking areas of six (6) spaces or less, the Zoning Administrator may waive the requirement for paved parking with curb and gutter if the parking surface is constructed with a minimum of six (6") inches of crushed stone with adequate compaction and stormwater drainage.
4. Accessible spaces must be furnished as required by the current Virginia Uniform Statewide Building Code.
5. Parking and loading area lighting must comply with Article 11. Outdoor Lighting and Illumination Regulations.

D. Off-Street Parking Area Layout and Dimensions

1. All parking spaces must prevent vehicles from extending over property lines, into right-of-way, or over sidewalks.
2. Required off-street parking areas must meet the following minimum dimensions:
 - a. Ninety-degree pattern: Parking spaces and maneuvering lanes:

Space Width	Space Length	Maneuvering Lane Width	Two Tiers of Parking + Maneuvering Lane
9.0'	20' feet	24' feet	64' feet
9.5' feet	20' feet	22' feet	62' feet
10' feet	20' feet	20' feet	60' feet

- b. Sixty-degree pattern: 58' feet for two (2) tiers of spaces, and one (1) aisle/maneuvering lane, with minimum aisle width of twelve (12') feet.
 - c. Forty-five-degree pattern: 56' feet with two (2) tiers of parking spaces, and one (1) aisle/maneuvering lane, with minimum aisle width of twelve (12') feet.
 - d. Drive or maneuvering lanes must not be less than 20' feet wide to permit two-way traffic.
3. Required off-street parking areas may be in garages, carports, or enclosed buildings if they meet dimension, layout, and accessibility standards.
 4. Non-residential use parking areas in any SR-R, T-R, S-R, NT-R, OT-R, A-R, M-R, or MHP-R zoning district must be screened by a visual separation at least six (6') feet wide between parking and adjoining residential uses by landscaping and/or fencing. No more than 50% of required front yards are may be parking area.

E. – Off-Street Loading

Off-street loading spaces are not required. However, if off-street loading spaces are provided, they must meet the following standards:

1. No loading space may be in a front yard, except for industrial uses.
2. Off-street loading spaces do not count toward off-street parking space requirements.
3. No loading space may be less than 15' feet wide, 25' feet long, and 15' feet tall, provided that the depth accommodates the largest anticipated delivery trucks.
4. No off-street loading space may necessitate maneuvering from a public right-of-way.
5. All off-street loading spaces must be located on the same property as the associated use.

6. All off-street loading space must be provided with a clear route to a public right-of-way.
7. No motor vehicle repair work, with the exception of emergency service, is permitted in any space designated as off-street loading area.
8. All off-street loading areas, including aisles and driveways, must be constructed and maintained with a dustless paved surface, except as otherwise permitted for heavy equipment.

F. - Required Parking Spaces Computation.

1. Net floor area, as defined in Article 15, is the basis for required parking spaces unless otherwise indicated.
2. When the calculation determining the number of required parking spaces results in a fractional space, one (1) space must be provided for that fraction.
3. Mixed use development parking space requirements are the sum of the required spaces computed for different uses.
4. The Zoning Administrator may waive or reduce the number of required parking spaces if the following conditions are met:
 - a. An applicant demonstrates fewer spaces are necessary because the current or proposed use does not need the required spaces or the development provides an alternative parking location;
 - b. The development meets Virginia Uniform Statewide Building Code accessible space requirements;
 - c. The absence or reduction of onsite parking spaces will not negatively impact surrounding properties;
 - d. The development complies with any additional conditions applied when the Zoning Administrator waives or reduces required off-street parking spaces.

G. - Parking Space Minimums.

The minimum number of off-street parking spaces is determined by the following schedule:

Use	Minimum Number of Spaces
Residential Uses	
Residential dwellings	One (1) per dwelling unit
Uses accessory to residential uses in addition to required spaces per dwelling unit:	
accessory dwelling	One (1) per dwelling unit
roomers and boarders	One (1) per boarder
tourist homes or bed and breakfast	One (1) for each guest bedroom
Institutional Uses	
Places of worship	One (1) for each five (5) fixed seats; benches have capacity of one (1) person per 30" linear inches of bench
Arenas, auditoriums, and stadiums	One (1) parking space per five (5) spectator seats. One (1) parking space per 20 square feet of additional spectator area provided by the establishment. One (1) parking space per employee.
Art galleries, libraries, museums	Three (3) per 1,000 square feet
Clubs, lodges and other recreational facilities (6830)	One (1) per each five (5) persons of the rated capacity of the building
Schools, public and private, elementary and junior high	Two (2) per three (3) employees
High schools, public and private	Two (2) per three (3) employees plus one (1) per ten (10) students

Colleges	Two (2) per three (3) employees plus one (1) per five (5) students
Child Care Center, Nursery school, or Adult Day Care Center.	One (1) space per employee plus one (1) space per four (4) children or clients
Group homes	Two (2) per home plus one (1) per eight (8) residents plus one (1) per three (3) employees on main shift
Hospitals	One (1) per three (3) patient beds, plus one (1) per resident doctor, plus one (1) per three (3) three other employees
Commercial uses	
Business, banking, professional and similar offices	Two (2) per 1,000 square feet
Medical, dental, veterinary and similar offices	Three (3) per 1,000 square feet
Retail sales and personal services establishments	Three (3) per 1,000 square feet
Commercial and trade schools	One (1) per five (5) students and one (1) per two (2) employees
Hotels and motels	One (1) per guest room plus one (1) for each three (3) employees
Mortuaries and funeral parlors	One (1) space for every four (4) seats in assembly rooms with fixed seats or one (1) space for each 100 square feet of floor area for assembly rooms without fixed seats.
Restaurants, night clubs, taverns, places of assembly (including theaters)	One (1) per each four (4) persons of the rated capacity of the building plus one (1) for each three (3) employees on main shift
Vehicle Sale, Rental, and Ancillary Service Establishment.	One (1) space per 500 square feet of enclosed sales/rental floor area, plus one (1) space per 2500 square feet of open sales/rental display lot area, plus two (2) spaces per service bay, plus one (1) space per employee, but not less than five (5) spaces minimum.
Automobile service stations	Two (2) per three (3) employees on main shift plus two (2) for each service bay
All others	One (1) per each four (4) persons of the building's rated capacity.
Industrial uses	
Manufacturing, warehousing, wholesale and other industrial uses	One (1) per three (3) employees on main shift

H. - Stacking Lane Requirements.

1. Stacking spaces are required for drive-through windows.
2. Stacking spaces must be at least ten (10') feet wide, 18' long, and must not block traffic.
3. Stacking lanes and spaces must be separate from other circulation aisles and parking spaces.
4. The following minimum stacking spaces are required:
 - a. Restaurant and food uses: Ten (10) stacking spaces, measured from the last drive-through window.
 - b. Car washes: Three (3) stacking spaces per car wash bay.
 - c. Financial institutions: Six (6) stacking spaces for the first drive-through window and three (3) stacking spaces for each additional window.

I. - Private Streets, Drive Aisles, and Combined Drive Aisles and Parking Bays.

1. The Planning Commission may approve private streets in any residential single-family subdivision. Private drive aisles and combined drive aisles/parking bays in townhouse, apartment and non-residential development may be allowed as a part of the site plan approval process.
2. Emergency vehicles must be able to access private streets.

J. Electric Vehicle Parking Requirements

Electric vehicle parking spaces and charging stations required by this section must meet these additional standards:

1. Except for single-family residential uses, wherever the zoning code requires an off-street parking area of 30 spaces or more for any new or increased development, one (1) electric vehicle parking space is required for each 50 required parking spaces.
2. Electric vehicle parking spaces must be equipped with an electric vehicle charging station rated at electric vehicle charging level 2.
3. All electric vehicle parking spaces are reserved exclusively for electric vehicles.
4. Electric vehicle parking spaces must be marked by green painted lines or curbs.
5. Each electric vehicle parking space must have a sign designating the parking space as an electric vehicle parking space, in accordance with the Federal Highway Administration Manual on Uniform Traffic Control Devices (MUTCD).
6. Electric vehicle charging stations must contain a retraction device, coiled cord, or a fixture to hang cords and connectors above the ground.

Council Letter

City of Danville, Virginia



CL-2593

New Business B.

City Council Regular Meeting

Meeting Date: 08/05/2021

Subject: Consideration of a Zoning Ordinance Text Amendment Regarding Satellite Dishes

From: Doug Plachcinski, Planning Division Director

COUNCIL ACTION

Business Meeting: 08/05/2021

SUMMARY

Rezoning Text Amendment PLRZ 2021-224, initiated by the City of Danville Planning Director requests to amend Chapter 41 entitled "Zoning Ordinance" of the Code of the City of Danville, Virginia, 1986 as amended. Specifically, updating Article 2, Section P. 11 to provide different regulations for satellite dishes less or greater than 3 feet.

BACKGROUND

The City has received complaints about satellite dishes. The City's ordinance was designed prior to widespread mini-dish, or dishes up to 36" inches across, use. The existing ordinance was meant to prohibit the large C-band satellite dishes that were up to 20' feet in diameter. While not ideal in the front yard, the City must provide access to the south and there are many locations where the front yard is the only sightline to the southern sky. This amendment distinguishes between modern mini dishes and the large C-band dishes, and to allow them within reason in the front yard.

RECOMMENDATION

The Planning Commission, at their July 12, 2021 meeting, voted 4-0 to recommend approval of the text amendment updating Article 2, Section P. 11 to provide different regulations for satellite dishes less or greater than 3'.

Attachments

Ordinance

PLANNING BACKUP

Attachment 1

PRESENTED: _____

ADOPTED: _____

ORDINANCE NO. 2021-____.____

AN ORDINANCE AMENDING CHAPTER 41 ENTITLED "ZONING ORDINANCE" OF THE CODE OF THE CITY OF DANVILLE, VIRGINIA, 1986, AS AMENDED, MORE SPECIFICALLY UPDATING ARTICLE 2, ENTITLED "GENERAL REGULATIONS" SECTION P. ENTITLED "ACCESSORY USES AND STRUCTURES", ITEM 11 TO PROVIDE DIFFERENT REGULATIONS FOR SATELLITE DISHES LESS OR GREATER THAN 3'.

NOW THEREFORE, BE IT ORDAINED, by the Council of the City of Danville, Virginia, that the report of the City Planning Commission recommending approval of amendments to Chapter 41, entitled "Zoning Ordinance" of the Code of the City of Danville, Virginia, 1986, as amended, more specifically updating Article 2., entitled "General Regulations" Section P. entitled "Accessory Uses and Structures", Item 11 to provide different regulations for satellite dishes less or greater than 3', be, and the same is hereby, received; and

BE IT FURTHER ORDAINED, by the Council of the City of Danville, Virginia, that updating Article 2, entitled "General Regulations", Section P. entitled "Accessory Uses and Structures" Item 11 to provide different regulations for satellite dishes less or greater than 3' of Chapter 41, entitled "Zoning Ordinance", of the Code of the City of Danville, Virginia, 1986, as amended, be and the same is hereby, amended and reordained to read as attached hereto and made a part hereof as if set forth fully herein.

APPROVED:

MAYOR

ATTEST:

CLERK

Approved as to Form and
Legal Sufficiency:

ASSISTANT CITY ATTORNEY



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

City Planning Commission

RECOMMENDATION

DATE: JULY 20, 2021
TO: CITY COUNCIL
FROM: CITY PLANNING COMMISSION
RE: ZONING ORDINANCE TEXT AMENDMENT – SATELLITE DISHES

REQUEST

Rezoning Text Amendment PLRZ2021-224, initiated by the City of Danville Planning Director requests to amend Chapter 41 entitled “Zoning Ordinance” of the Code of the City of Danville, Virginia, 1986 as amended. Specifically updating Article 2, Section P. 11 to provide different regulations for satellite dishes less or greater than 3’.

RECOMMENDATION

The Planning Commission, at their July 12, 2021 meeting, voted 4-0 to recommend approval of the text amendment updating Article 2, Section P. 11 to provide different regulations for satellite dishes less or greater than 3’.

Mr. Harold E. Garrison, Chair

Exhibit "A"

ARTICLE 2.P – ACCESSORY USES AND STRUCTURES

~~11. Satellite dish antennas, satellite receiving dishes, satellite earth stations, and similar antenna structures are deemed accessory structures. These structures shall be permitted in any zoning district under the following conditions:~~

~~a.~~

~~No satellite dish antennas, satellite receiving dishes, satellite earth stations or similar structures may be located within a front yard;~~

~~b.~~

~~No satellite dish antennas, satellite receiving dishes, satellite earth stations or similar structures may be located closer than ten (10) feet from any property line;~~

~~c.~~

~~In residential districts, no satellite dish antennas, satellite receiving dishes, satellite earth stations or similar structures may be more than ten (10) feet in height measured at ground grade, nor may they exceed district height requirements if attached to a residence, nor may they extend more than three (3) feet in diameter;~~

~~d.~~

~~In commercial and industrial districts, no satellite dish antennas, satellite receiving dishes, satellite earth stations or similar structures may be more than twenty (20) feet in height measured at ground grade, nor may they exceed district height requirements if attached to a building, nor may they extend more than ten (10) feet in diameter;~~

~~e.~~

~~Such structures shall be of a neutral color (i.e. black, gray or white) and no satellite dish antennas, satellite receiving dishes, satellite earth stations or similar structures may be repainted to anything other than a neutral color;~~

~~f.~~

~~The design and placement of the antenna, satellite dish, earth station or similar structure(s) incorporates appropriate landscaping and screening measures as outlined in the Landscaping and Screening regulations in Article 9; and~~

~~g.~~

~~Where in the opinion of the Director of Planning/Zoning Administrator the installation and location of satellite dish antennas, satellite receiving dishes, satellite earth stations or similar structures may adversely affect the health, safety, community character and welfare of adjacent properties, a Special Exception by the Board of Zoning Appeals shall be required for the installation and location of such structure.~~

11. Satellite dish antennas, satellite receiving dishes, satellite earth stations, and similar antenna structures are allowed accessory structures in any zoning district under the following conditions:

- a. Satellite dishes greater than three (3') feet in diameter:
 - i. May not be in a front yard;
 - ii. May not be closer than ten (10') feet to any property line;
 - iii. In SR-R, T-R, S-R, NT-R, OT-R, A-R, M-R, or MHP-R zoning districts, may not more than ten (10') feet tall nor exceed district height requirements if attached to a building;
 - iv. In TO-C, N-C, CB-C, TW-C, HR-C, PS-C, LED-I, CP-1, or M-I zoning districts may not be more than 20' feet tall nor exceed district height requirements if attached to a building; and
 - v. Must be black, gray, or white.
- b. Satellite dishes three (3') feet or less in diameter:
 - i. May be in any yard;
 - ii. May not be closer than five (5') feet to any property line;
 - iii. In SR-R, T-R, S-R, NT-R, OT-R, A-R, M-R, or MHP-R zoning districts, may not more than five (5') feet tall nor exceed district height requirements if attached to a building;
 - iv. In TO-C, N-C, CB-C, TW-C, HR-C, PS-C, LED-I, CP-1, or M-I zoning districts may not be more than ten (10') feet tall nor exceed district height requirements if attached to a building; and
 - v. Must be black, gray, or white.

Council Letter

City of Danville, Virginia



CL-2568

New Business C.

City Council Regular Meeting

Meeting Date: 08/05/2021

Subject: Consideration of Vacating Two Easements in the County

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

COUNCIL ACTION

Business Meeting: 08/05/2021

SUMMARY

City Staff is seeking approval to release a pair of unused utility easements affecting properties in Pittsylvania County, to help facilitate planned solar energy installations on the Property.

BACKGROUND

The City holds a pair of blanket easements dating back to the early 1950s that currently affect four (4) properties in Pittsylvania County, identified as Parcel Nos. 2465-48-3489, 2465-38-5051, 2465-47-5944, and 2465-28-4568. City Staff has determined that the City has no current or future need for the easements, and they appear to be surplus to the needs of the City. City Staff wishes to vacate the easements to assist with the anticipated development of a solar energy facility upon the affected Properties.

RECOMMENDATION

City staff recommends proceeding with vacating the two (2) easements to enable the development of the Properties.

Attachments

Resolution

Attachment 1

PRESENTED: _____

ADOPTED: _____

RESOLUTION NO. 2021-_____._____

A RESOLUTION AUTHORIZING THE ABANDONMENT OF TWO UNUSED CITY EASEMENTS ACROSS PROPERTY IN PITTSYLVANIA COUNTY IN ORDER TO FACILITATE THE DEVELOPMENT OF SOLAR ENERGY INSTALLATIONS UPON THE SAME PROPERTY.

WHEREAS, the City of Danville holds two (2) unused utility easements upon four (4) Parcels of real property located in Pittsylvania County identified as Parcel Nos. 2465-48-3489, 2465-38-5051, 2465-47-5944, and 2465-28-4568 (the "Property"); and

WHEREAS, the City has no future plans to install, maintain, or utilize the existing easements on the Property; and

WHEREAS, the owners of the Property wish for the City to vacate and abandon its unused easements upon the Property to help the owners obtain marketable title and facilitate the sale of the Property for the development of solar energy installations.

NOW THEREFORE, BE IT RESOLVED, by the Council of the City of Danville, Virginia, that pursuant to Sections 15.2-1800 and 15.2-1813 of the Code of Virginia 1950, as amended, and in consideration of the public hearing this day held by Council, that the City hereby permanently vacates, abandons, and releases the easements across the above-referenced Pittsylvania County Parcels, said easements identified in the attached Schedule "A"; and

BE IT FINALLY RESOLVED, that the City Manager, Ken F. Larking, be, and is hereby, authorized to execute on behalf of the City any and all documents as may be necessary to effect such abandonment of the easements.

APPROVED:

MAYOR

ATTEST:

CLERK

Approved as to
Form and Legal Sufficiency:

ASSISTANT CITY ATTORNEY

Schedule "A"

Easement No. 1

A permanent easement of unspecified size, located in Pittsylvania County, Virginia upon the Property presently designated as Parcel ID #s 2465-48-3489, 2465-38-5051, and 2465-47-5944, and presently owned by the Edward Davis Family Land Use Revocable Trust, said easement recorded in the Clerk's Office of the Circuit Court of Pittsylvania County, Virginia by deed dated April 5, 1949 in Deed Book 301, at page 221.

Easement No. 2

A permanent easement of unspecified size, located in Pittsylvania County, Virginia upon the Property presently designated as Parcel ID #2465-28-4568, and presently owned by Brenda Shelton and Pamela Adams, said easement recorded in the Clerk's Office of the Circuit Court of Pittsylvania County, Virginia by deed dated September 4, 1953 in Deed Book 348, at page 494.

Any other easements, rights of way, or restrictive covenants now of record, or affecting said property, or arising from the above-reference recorded documents to the extent that such easement has not been expressly released herein remain unaltered.

Council Letter

City of Danville, Virginia



CL-2566

New Business D.

City Council Regular Meeting

Meeting Date: 08/05/2021

Subject: Reimbursement Resolution

From: Michael Adkins, Director of Finance

COUNCIL ACTION

Business Meeting: 08/05/2021

SUMMARY

The City's Fiscal Year 2022 Capital and Special Projects Plan, which City Council adopted on May 18, 2021, budgets for the issuance of bonds to pay for several of the capital projects. If expenditures are incurred for these projects before the bonds are issued and proceeds are received, the attached Reimbursement Resolution will allow the use of bond proceeds as reimbursement. At a later date, City Council will be asked to take other formal actions to authorize and issue the bonds. Bonds are expected to be issued in November/December 2021.

BACKGROUND

The Fiscal Year 2022 bonds are expected to be issued in November/December 2021 and will fund the following approved capital projects:

IT Software/Systems	\$500,950
Public Safety Equipment	\$607,230
Street Improvements	\$1,278,820
Stormwater Improvements	\$200,000
Public Buildings/Facilities	\$2,100,000
Parks/Recreation Facilities	\$540,000
Airport Facilities	\$3,697,660

RECOMMENDATION

Staff recommends City Council adopt the attached Resolution of Official Intent to Reimburse Expenditures with Proceeds of a Borrowing.

Attachments

Resolution

PRESENTED: _____

ADOPTED: _____

RESOLUTION NO. 2021-_____._____

RESOLUTION OF OFFICIAL INTENT TO REIMBURSE EXPENDITURES
WITH PROCEEDS OF A BORROWING.

WHEREAS, the City of Danville, Virginia (the "City"), plans to undertake the acquisition, construction and/or equipping of several capital projects for governmental purposes, including without limitation, (a) fire and police equipment, (b) information technology software and systems, (c) parks and recreation facility improvements, (d) public building improvements (including, without limitation, roof, elevator and HVAC improvements), (e) acquisition and installation of emergency generators, (f) sidewalk, street and parking lot improvements, (g) stormwater system upgrades, and (h) airport improvements (collectively, the "Project"); and

WHEREAS, plans for the Project have advanced and the City expects to advance its own funds to pay expenditures related to the Project (the "Expenditures") and to receive reimbursement for such Expenditures from proceeds of tax-exempt bonds to be issued by or on behalf of the City (the "Bonds");

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

1. The City intends to issue, or request a conduit issuer to issue, Bonds of one or more series to pay the costs of the Project in a principal amount not currently expected to exceed \$9,000,000.

2. The City intends that the proceeds of the Bonds be used to reimburse the City for Expenditures with respect to the Project made on or after the date that is no more than 60 days prior to the date hereof. The City reasonably expects on the date hereof that it will reimburse the Expenditures with the proceeds of the Bonds.

3. Each Expenditure was or will be, unless otherwise approved by bond counsel, either (a) of a type properly chargeable to a capital account under general federal income tax principles (determined in each case as of the date of the Expenditure), (b) a cost of issuance with respect to the Bonds, (c) a nonrecurring item that is not customarily payable from current revenues or (d) a grant to a party that is not related to or an agent of the City so long as such grant does not impose any obligation or condition (directly or indirectly) to repay any amount to or for the benefit of the City.

4. The City intends to make a reimbursement allocation, which is a written allocation by the City that evidences the City's use of proceeds of the Bonds to reimburse an Expenditure, no later than 18 months after the later of the date on which the Expenditure is paid or the Project is placed in service or abandoned, but in no event more than three years after the date on which the Expenditure is paid. The City recognizes that exceptions are available for certain "preliminary expenditures," costs of issuance, certain *de minimis* amounts, expenditures by "small issuers" (based on the year of issuance and not the year of expenditure) and expenditures for construction of at least five years.

5. The City intends that the adoption of this Resolution confirms the “official intent” within the meaning of Treasury Regulations Section 1.150-2 promulgated under the Internal Revenue Code of 1986, as amended.

6. This Resolution shall take effect immediately upon its passage.

Adopted August _____, 2021.

APPROVED:

MAYOR

ATTEST:

CLERK

Approved as to
Form and Legal Sufficiency:

CITY ATTORNEY

Council Letter

City of Danville, Virginia



CL-2583

New Business E.

City Council Regular Meeting

Meeting Date: 08/05/2021

Subject: State Aviation Capital Aid

From: Marc Adelman, Director of Transportation Services

COUNCIL ACTION

First Reading: 08/05/2021

Final Adoption: 08/17/2021

SUMMARY

The Virginia Department of Aviation administers an Airport Capital Grant Program that provides funding for design services and construction activities. The maximum state participation for capital projects is eighty percent.

During the June 2021 Virginia Aviation Board meeting, state funding was approved to support airport engineering services to construct an aircraft parking ramp for future corporate hangar development, and an automobile parking lot. State matching funds will finance eighty percent of the design services project.

BACKGROUND

A state capital grant request for an airport design services project was approved by the Virginia Aviation Board in June. This project will support the future construction of an aircraft ramp to accommodate the development of corporate hangars for public use. The ramp will be located near the t-hangar area on the south side of the airfield adjacent to Taxiway H. In addition, this project will include design service activities to construct an automobile parking lot to support business aviation activities.

RECOMMENDATION

It is recommended that City Council approve an Ordinance amending the Fiscal Year 2022 Budget Appropriation Ordinance to provide for State Aviation capital grant funding, and the local share, and appropriating the same. The local share will be provided through the Support of General funds.

Attachments

Ordinance

Project Area Exhibit

PRESENTED: _____

ADOPTED: _____

ORDINANCE NO. 2021-_____ - _____

AN ORDINANCE AMENDING THE FISCAL YEAR 2022 BUDGET APPROPRIATION ORDINANCE TO PROVIDE FOR ADDITIONAL STATE AVIATION FUNDING FOR THE PURPOSE OF COMPLETING DESIGN SERVICES TO DEVELOP AN AIRCRAFT PARKING RAMP AND AUTOMOBILE PARKING LOT FOR FUTURE CORPORATE HANGAR DEVELOPMENT IN THE AMOUNT OF \$71,116 PLUS LOCAL SHARE IN THE AMOUNT OF \$17,779 TO BE PROVIDED BY A TRANSFER FROM THE SUPPORT OF GENERAL FUNDS AND APPROPRIATING SAME.

WHEREAS, airport engineering design services are needed to construct a parking ramp for corporate aircraft and an automobile parking lot; and

WHEREAS, the design services project will be funded at eighty percent with state capital aid; and

WHEREAS, airport infrastructure improvements are needed to support future corporate hangar development and business aviation activities.

NOW THEREFORE. BE IT ORDAINED, by the Council of the City of Danville, Virginia, that the Fiscal Year 2022 Budget Appropriation Ordinance be, and it is hereby, amended by increasing revenues for a grant from the Virginia Department of Aviation in the amount of \$71,116 such funds to be appropriated as follows:

ANTICIPATED REVENUES

<u>Description</u>	<u>Account No.</u>	<u>Amount</u>
Aircraft Parking Lot		
State Aviation Funds	61687000-45712	\$ 71,116
Transfer from Support of General Funds	61687000-6101	\$ 17,779
	TOTAL	\$ 88,895

ANTICIPATED EXPENDITURES

<u>Description</u>	<u>Account No.</u>	<u>Amount</u>
Aircraft Parking Lot	61687999-50	\$ 88,895

AND BE IT FURTHER ORDAINED, that all other accounts and provisions of the Fiscal Year 2022 Budget Appropriation Ordinance, as amended, not hereby amended, shall continue in full force and effect unless and until hereafter further amended or repealed.

APPROVED:

MAYOR

ATTEST:

CLERK

Approved as to
Form and Legal Sufficiency:

CITY ATTORNEY

Design Services Project To Support Corporate Hangar Development

LEGEND

Black Text - Construction activities to begin in September 2021

Red Text - Design Services to support development of ramp for jet aircraft and automobile parking lot.

39-Space
Automobile
Parking Lot

13,000 square foot hangar
100' wide x 130' long

Retaining wall
required

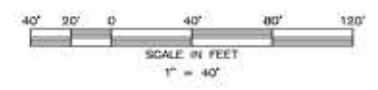
Taxiway
Widening

Jet Aircraft Parking Ramp

Aircraft Parking for
new t-hangar building

New Taxi-lane

LEGEND	
TAXIWAY 'H' WIDENING (AIP)	
HANGAR APRON (NON-AIP)	
T-HANGAR TAXILANE (AIP)	
T-HANGAR APRON (NON-AIP)	
CORPORATE HANGAR, ACCESS RD & PARKING (NON-AIP)	



PRELIMINARY
NOT RELEASED
FOR CONSTRUCTION

TALBERT, BRIGHT
& ELLINGTON
ENGINEERING & PLANNING CONSULTANTS
3513 WHITEHALL PARK DRIVE, SUITE 110
CHARLOTTE, NORTH CAROLINA 28273
PHONE: 704-426-6070 FAX: 704-426-6080
DPO# 0407006503

DESIGNED BY:		PROJECT ENG.: DBS		PROJECT NO.:		DRAWN BY: BSV		CHECKED BY:		DATE ISSUED: MAY 2020	
REVISIONS:		1		2		3		4		5	
DATE											

DANVILLE
Northern
DANVILLE REGIONAL AIRPORT

TAXIWAY 'H' WIDENING AND
HANGAR DEVELOPMENT

4 UNIT T-HANGAR AND 1 BOX HANGAR EXHIBIT

FILE NAME: SCALE: 1"=40'

SHT. 1

Council Letter

City of Danville, Virginia



CL-2585

New Business F.

City Council Regular Meeting

Meeting Date: 08/05/2021

Subject: Virginia Outdoors Foundation CORE Grant

From: William Sgrinia, Director of Parks, Recreation & Tourism

COUNCIL ACTION

First Reading: 08/05/2021

Final Adoption: 08/17/2021

SUMMARY

The City of Danville has received a \$200,000 grant from the Virginia Outdoor Foundation CORE funds, for the purchase of 53.45 acres of property from the IDA to add to Anglers Park.

BACKGROUND

In November of 2020, the City of Danville made application to the Virginia Outdoors Foundations CORE (Community Opportunities for Restoration and Enhancement) grant program for the purchase of property (53.45 acres) located at the end of Stinson Drive from the Danville IDA (Industrial Development Authority) for the expansion of Anglers Park, protection of forests and trails. Specifically, the grant calls for a trail head to connect to the Riverwalk Trail, Plant ID and a picnic shelter, in addition to the purchase of the property. This grant requires the City to agree to an easement on the property that will protect the forest from deforestation. This grant requires no local match.

\$ 97,875 covers acquisition, the plant ID program, survey, and appraisal; and
\$102,125 is for improvements, paving, grading of the trail, picnic shelter and parking.

RECOMMENDATION

Staff recommends City Council approve Amending the Fiscal Year 2022 Budget Appropriation in the Amount of \$200,000 for the purchase and development of 53.45 acres at Anglers Park.

Attachments

Ordinance

PRESENTED: _____

ADOPTED: _____

ORDINANCE 2021-____.

AN ORDINANCE AMENDING THE FISCAL YEAR 2022 BUDGET APPROPRIATION ORDINANCE TO PROVIDE FOR AN AWARD FROM THE VIRGINIA OUTDOORS FOUNDATION IN THE AMOUNT OF \$200,000 FOR THE PURCHASE AND DEVELOPMENT OF 53.45 ACRES AT ANGLERS PARK AND APPROPRIATION OF SAME.

WHEREAS, the City has been awarded a grant by the Virginia Outdoors Foundation for the purchase of property and development of a trail head to connect to the Riverwalk Trail and Anglers Park; and

WHEREAS, this funding does not require a local match.

NOW THEREFORE, BE IT ORDAINED, by the Council of the City of Danville, Virginia, that the Fiscal Year 2022 Budget Appropriation Ordinance be, and the same is hereby, amended by increasing revenues from a grant in the amount of \$200,000 from the Virginia Outdoors Foundation be appropriated in the Capital Projects fund as follows:

ANTICIPATED REVENUES

<u>Description</u>	<u>Account No.</u>	<u>Amount</u>
Special Grants		
CORE Grant-State Revenue	61700000-47520	\$ <u>200,000</u>

ANTICIPATED EXPENDITURES

<u>Description</u>	<u>Account No.</u>	<u>Amount</u>
Special Grants		
CORE Grant	61700999-50	\$ <u>200,000</u>

AND BE IT FURTHER ORDAINED, that all other accounts and provisions of the Fiscal Year 2022 Budget Appropriations Ordinance, as amended, not hereby amended, shall continue in full force and effect unless and until hereafter further amended or repealed.

APPROVED:

MAYOR

ATTEST:

CLERK

Approved as to
Form and Legal Sufficiency:

CITY ATTORNEY

Council Letter

City of Danville, Virginia



CL-2586

New Business G.

City Council Regular Meeting

Meeting Date: 08/05/2021

Subject: Economic Development Incentive Appropriations

From: Corrie Bobe, Director of Economic Development

COUNCIL ACTION

First Reading: 08/05/2021

Final Adoption: 08/17/2021

SUMMARY

The Virginia Economic Development Partnership (VEDP) provides incentives for economic development projects resulting in new taxable capital investment and net new employment to the Commonwealth of Virginia.

The Danville Pittsylvania Regional Industrial Facility Authority, City of Danville, Pittsylvania County, and Making Everything Possible, LLC executed a Commonwealth Opportunity Fund performance agreement on May 24, 2021, in the amount of \$135,000 to pay or reimburse the cost of construction or build-out of publicly or privately owned buildings to use as its facility in the Cyber Park. This grant will be provided to the Company in arrears as it meets the performance goals outlined in the agreement.

The Virginia Tobacco Region Revitalization Commission (VTRRC) provides incentives for economic development projects resulting in new taxable capital investment and net new employment to the VTRRC footprint.

The City of Danville and Kyocera SGS Tech Hub LLC executed a Tobacco Region Opportunity Fund grant on November 2, 2016 in the amount of \$350,000. This was a reimbursable grant whereby the company had to submit expenditures for approval before funds are disbursed.

The Danville-Pittsylvania Regional Industrial Facility Authority, City of Danville, Pittsylvania County, and Making Everything Possible, LLC executed a Tobacco Region Opportunity Fund grant on June 22, 2021 in the amount of \$270,000. This was a reimbursable grant whereby the company had to submit expenditures for approval before funds are disbursed.

The Danville-Pittsylvania Regional Industrial Facility Authority (RIFA) and Making Everything Possible, LLC executed a Tobacco Region Opportunity Fund loan on May 6, 2021 in the amount of \$270,000. RIFA, the City of Danville, and Pittsylvania County are not liable for repayment of this loan should the company not meet its performance milestones. The Commission will look solely to Making Everything Possible, LLC for repayment.

BACKGROUND

On September 8, 2016, Governor Terry McAuliffe announced that Kyocera SGS Precision Tool Inc. (SGS) would invest \$9.5 million and create 35 new jobs to establish a North American technology and strategic manufacturing hub in the Cyber Park. SGS is a wholly owned subsidiary of Kyocera Corporation and a leader in solid carbide cutting tool manufacturing.

On June 7, 2021, Governor Ralph Northam announced that MEP Ltd., a manufacturer of complex plastic and metal components for the aerospace and defense sectors, will invest \$6.4 million to establish its first U.S. operation in the Cyber Park. The company, which will operate in the U.S. as Making Everything Possible LLC, will occupy approximately 5,500 square feet at the Institute for Advanced Learning and Research (IALR) while its new facility is constructed and will create 45 new jobs.

RECOMMENDATION

It is recommended by staff that City Council approve the attached Ordinance Amending the Fiscal Year 2022 Budget Appropriation Ordinance to appropriate funds from the Virginia Economic Development Partnership and the Virginia Tobacco Region Revitalization Commission, to the City of Danville for the purpose of providing an incentive for economic development activities to the aforementioned companies located in the City of Danville and Pittsylvania County.

Attachments

Ordinance

PRESENTED: _____

ADOPTED: _____

ORDINANCE 2021-_____.

AN ORDINANCE AMENDING THE FISCAL YEAR 2022 BUDGET APPROPRIATION ORDINANCE FOR ONE COMMONWEALTH OPPORTUNITY FUND GRANT FROM THE VIRGINIA ECONOMIC DEVELOPMENT PARTNERSHIP IN THE AMOUNT OF \$135,000, TWO TOBACCO REGION OPPORTUNITY FUND GRANTS FROM THE VIRGINIA TOBACCO REGION REVITALIZATION COMMISSION IN THE AMOUNTS OF \$350,000 AND \$270,000, AND ONE FOR A TOTAL OF TOBACCO REGION OPPORTUNITY FUND LOAN FROM THE VIRGINIA TOBACCO REGION REVITALIZATION COMMISSION IN THE AMOUNT OF \$270,000 FOR A TOTAL OF \$1,025,000 AS ECONOMIC DEVELOPMENT INCENTIVES FOR TAXABLE CAPITAL INVESTMENTS AND JOB CREATION IN THE COMMONWEALTH OF VIRGINIA.

WHEREAS, the City of Danville has received grants from the Virginia Economic Development Partnership and the Tobacco Region Opportunity Fund for economic development incentive capital investment and job creation.

NOW THEREFORE, BE IT ORDAINED, by the Council of the City of Danville, Virginia that the Fiscal Year 2022 Budget Appropriation Ordinance be, and it is hereby, amended to anticipate revenues from one grant in the amount of \$135,000 from the Virginia Economic Development Partnership (VEDP) and two grants and one loan from the Virginia Tobacco Region Revitalization Commission (VTRRC) in the amount of \$890,000 for the purpose of providing economic development incentives to Kyocera SGS Tech Hub LLC and Making Everything Possible, LLC. Such revenue and appropriation to be as follows:

ANTICIPATED REVENUES

<u>Description</u>	<u>Account No.</u>	<u>Amount</u>
VEDP Commonwealth Opportunity Fund Grant (Making Everything Possible, LLC)	60920000-46040	\$ 135,000
VTRRC Tobacco Region Opportunity Fund - Grant (Kyocera SGS Tech Hub LLC)	60920000-46030	\$ 350,000

VTRRC Tobacco Region Opportunity Fund – Grant (Making Everything Possible, LLC)	60920000-46030	\$ 270,000
VTRRC Tobacco Region Opportunity Fund – Loan (Making Everything Possible, LLC)	60920000-46030	<u>\$ 270,000</u>
	TOTAL	<u>\$1,025,000</u>

ANTICIPATED EXPENDITURES

<u>Description</u>	<u>Account No.</u>	<u>Amount</u>
Making Everything Possible, LLC	60920999-50	\$ 135,000
Kyocera SGS Tech Hub LLC	60920999-50	\$ 350,000
Making Everything Possible, LLC	60920999-50	\$ 270,000
Making Everything Possible, LLC	60920999-50	<u>\$ 270,000</u>
	TOTAL	<u>\$1,025,000</u>

AND BE IT FURTHER ORDAINED, that this appropriation shall be a continuing appropriation and such appropriations shall carry forward from year to year until such funds are expended for the purpose for which they were appropriated; and

BE IT FINALLY ORDAINED, that all other accounts and provisions of the Fiscal Year 2021 Budget Appropriation Ordinance, as amended, not hereby amended, shall continue in full force and effect unless and until hereafter further amended or repealed.

APPROVED:

MAYOR

ATTEST:

CLERK

Approved as to
Form and Legal Sufficiency:

CITY ATTORNEY