



DANVILLE CITY COUNCIL REGULAR MEETING AGENDA

MUNICIPAL BUILDING

July 19, 2022

7:00 P.M.

PRESIDING: Alonzo L. Jones, Mayor

CITY COUNCIL	James B. Buckner	Dr. Gary P. Miller, Vice Mayor
MEMBERS:	L.G. "Larry" Campbell, Jr.	Sherman M. Saunders
	Bryant Hood	J. Lee Vogler, Jr.,
	Barry P. Mayo	Madison J. Whittle

STAFF:	Ken F. Larking, City Manager	W. Clarke Whitfield, Jr., City Attorney
	Earl B. Reynolds, Jr., Deputy City Manager	Susan M. DeMasi, City Clerk

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

Time and Place of Meeting

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

Communications from Visitors

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

Guidelines for Public Hearings

For Public Hearings the applicant or his or her representative shall be the first speaker(s). There shall be a time limit of ten (10) minutes for the applicant's or his or her representative's presentation. The presiding

officer shall then solicit comments from the public, asking those in favor of the proposal to speak first, and then those opposed to the proposal. Each speaker must clearly state his or her name and address. There shall be a time limit of three (3) minutes for each individual speaker. If the speaker represents a group, there shall be a time limit of five (5) minutes. A speaker representing a group shall identify the group at the beginning of his or her remarks. A group may have no more than one spokesperson. The presiding officer may limit or preclude comment which is repetitive, redundant, cumulative, or irrelevant to the subject of the public hearing. After public comments have been received, in a land use case, the applicant or the representative of the applicant, at his or her discretion, may respond with a rebuttal. There shall be a five (5) minute time limit for rebuttal.

MEETING CALLED TO ORDER

ROLL CALL

INVOCATION - J. Lee Vogler, Jr.

PLEDGE OF ALLEGIANCE TO THE FLAG

ANNOUNCEMENTS AND SPECIAL RECOGNITION

Presentation on Danville Public Schools Capital Projects
Presented by: Dr. Angela Hairston

COMMUNICATIONS FROM VISITORS

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

CONSENT AGENDA

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

- A. Public Hearing
- B. Consideration of Approval of Minutes from Regular Council Meeting held on June 21, 2022, and the Regular Work Session held on June 21, 2022.
Council Letter Number CL - 2807.
- C. Consideration of Amending the Fiscal Year 2023 Budget Appropriation Ordinance for Tobacco Revitalization Funds for Construction of a Shell Building in the Cyber Park.
Council Letter Number CL - 2783.

An Ordinance Amending the Fiscal Year 2023 Budget Appropriation Ordinance for One Southern Virginia Program Grant #3360 in the Amount of \$1,000,000 from the Virginia Tobacco Region Revitalization Commission and Appropriating the Same.

FIRST READING

NEW BUSINESS

- A. Consideration of Authorizing the US District Court for the Western District of Virginia to Conduct Hearings and Trials at the James F. Ingram Justice Center.
Council Letter Number CL - 2789.

A Resolution of the Council of the City of Danville Authorizing and Approving a License Agreement Between the City of Danville and the United States District Court for the Western District of Virginia, Danville Division, to Conduct Hearings and Trials at the James F. Ingram Justice Center.

- B. Consideration of Virginia Department of Transportation Smart Scale Project Applications.
Council Letter Number CL - 2794.

1. A Resolution Approving and Authorizing the Endorsing of a Smart Scale Application by the City of Danville to the Virginia Department of Transportation for the Proposed Construction of Riverside Drive Improvements from Piney Forest Road to Audubon Drive.
2. A Resolution Approving and Authorizing the Endorsing of a Smart Scale Application by the City of Danville to the Virginia Department of Transportation for the Proposed Construction of Riverside Drive Improvements from Audubon Drive to Arnett Boulevard.
3. A Resolution Approving and Authorizing the Endorsing of a Smart Scale Application by the City of Danville to The Virginia Department of Transportation for the Proposed Construction of Riverside Drive Improvements from Arnett Boulevard to Main Street
4. A Resolution Approving and Authorizing the Endorsing of a Smart Scale Application by the City of Danville to the Virginia Department of Transportation for the Proposed Improvements Along Piney Forest Road from Nor Dan Drive to Beavers Mill Road.
5. A Resolution Approving and Authorizing the Endorsing of a Smart Scale Application by the Danville Metropolitan Planning Organization to the Virginia Department of Transportation for the Proposed Construction of Piedmont Drive Pedestrian Accommodations.
6. A Resolution Approving and Authorizing the Endorsing of a Smart Scale Application by the Danville Metropolitan Planning Organization to the Virginia Department of Transportation for the Proposed Construction of a Connector Road Expansion at Berry Hill Mega Site.

- C. Consideration of Amending the Fiscal Year 2023 Budget Appropriation Ordinance for a Grant from the Department of Criminal Justice Services in the Amount of \$150,000.
Council Letter Number CL - 2806.

An Ordinance Amending the Fiscal Year 2023 Budget Appropriation Ordinance by Increasing Revenue for a Department of Criminal Justice Services Grant to Support the Project Imagine Sports Based Youth Development Program in the Amount of \$150,000.

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-2807

Consent Agenda B.

City Council Regular Meeting

Meeting Date: 07/19/2022

Subject: Consideration of Approval of Meeting Minutes

From: Susan M. DeMasi, City Clerk

COUNCIL ACTION

Business Meeting: 07/19/2022

SUMMARY

Consideration of Approval of Minutes from Regular Council Meeting held on June 21, 2022, and the Regular Work Session held on June 21, 2022.

Council Letter Number CL - 2807.

Attachments

Meeting Minutes

Meeting Minutes

June 21, 2022

The Second June meeting of the Danville City Council was held on June 21, 2022, at 7:00 p.m. in the Council Chambers located on the Fourth Floor of the Municipal Building. The following Council Members were present: James B. Buckner, L.G. "Larry" Campbell Jr., Bryant Hood, Mayor Alonzo L. Jones, Barry Mayo, Dr. Gary P. Miller, Sherman M. Saunders, J. Lee Vogler, Jr., and Madison J.R. Whittle (9).

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

Mayor Jones presided.

INVOCATION AND PLEDGE OF ALLEGIANCE

Sherman Saunders gave the Invocation followed by the Pledge of Allegiance.

ANNOUNCEMENTS AND SPECIAL PRESENTATIONS

Certificate of Recognition: Jack Garrett
Presented to: Jack Garrett

Mr. Garrett introduced his wife Charlotte, his son Jack, and his daughters Carol Ann and Sara Elizabeth Garrett, as well as Alex Vardavas and Sherri Crowder from WBTM and WAKG, respectively. Mr. Garrett thanked Council and stated, *God Bless; signing off for the final time from the WAKG and WBTM Newsroom, I'm Jack Garrett.*

Council Member Saunders wished Mr. Garrett the best in life as he goes forward. Mr. Saunders noted he could say that he was going to miss Mr. Garrett calling him at 6:30 am in the morning for a story, but that would not be true, and thanked John Crane for calling after 3:00 pm. Council Member Buckner congratulated Mr. Garrett on his retirement and stated that he did not know what radio was going to sound like anymore with Linwood and Chuck Vipperman gone, and now Mr. Garrett was retiring. Council Member Campbell thanked Jack Garrett for his many years of service to the community. A lot of people do not fully understand the importance of radio. Radio was always on whether it was snowing or sleeting, there were individuals that press their way through the storm to report the good news about Danville. Reverend Campbell saluted Mr. Garrett, his family, and hoped he enjoyed his retirement.

Council Member Mayo congratulated Mr. Garrett on his retirement and told him to enjoy his time, and stated to Alex Vardavas, not to go anywhere. Council Member Vogler congratulated Mr. Garrett on his retirement and stated he knew he was ready for some much needed time with his family. He thanked him for his time on the radio and all those pivotal moments he was the voice for the City. Council Member Hood thanked Mr. Garrett for his service and for being a voice in their homes. Vice Mayor Miller mentioned that Jack told him he had lost 20 pounds since retirement and wanted to know what that "Honey Do" list had on it; Dr. Miller congratulated Mr. Garrett. Council Member Whittle congratulated Mr. Garrett on his retirement.

Mayor Jones noted that the most incredible thing was his forty-three years and having his family able to see and hear all the things he has done for the community. Mayor Jones thanked Mr. Garrett for his years of service, and for all that he has done early in the mornings.

COMMUNICATIONS FROM VISITORS

Gus Dyer, Chairman of the Board of Zoning Appeals, 165 Canterbury Road, noted at the previous meeting he spoke out against amending the zoning ordinance as put forth by the planning director. He stated he has since found out the planning director will no longer be with the City and was upset by that. He admitted that several times he has tried to find fault with something Mr. Plachcinski put forward when he should have been before Council to praise what Mr. Plachcinski was doing because 99% of the time, he thought Mr. Plachcinski was doing a great job. He hopes the City will be able to find someone with not only his qualifications but also his temperament.

CONSENT AGENDA

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

Minutes from the Regular Council Meeting held on May 17, 2022. Draft copies of the Minutes had been distributed prior to the meeting.

Amending the Fiscal Year 2022 Budget Appropriation Ordinance for a Byrne Memorial Justice Assistance Grant in the Amount of \$25,115

An Ordinance entitled, Ordinance No. 2022-06.07, an Ordinance Amending the Fiscal Year 2022 Budget Appropriation Ordinance by Increasing Revenue for the 2021 Edward Byrne Memorial Justice Assistance Grant (JAG) Program Award in the Amount of \$25,115 to be Used to Implement a Utility Terrain Vehicle Project.

Amending the Fiscal Year 2022 Budget Appropriation Ordinance for a Recreation Enrichment Program in the Amount of \$249,240

An Ordinance entitled, Ordinance No. 2022-06.08, an Ordinance Amending the Fiscal Year 2022 Budget Appropriation Ordinance to Provide for Funds in the Amount of \$51,915 for a Recreation Enrichment Program and the Local In-Kind Share of \$197,325 for a Total Appropriation of \$249,240 and Appropriation of Same.

Amending the Fiscal Year 2022 Budget Appropriation Ordinance for a Victim Witness Grant in the Amount of \$177,083

An Ordinance entitled, Ordinance No. 2022-06.09, an Ordinance Amending the Fiscal Year 2022 Budget Appropriation Ordinance to Provide for a Grant from the State for a Victim Witness Program in the Amount of \$177,083 and Appropriating Same.

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

OLD BUSINESS

Approving the Budgets of the Various Funds of the City of Danville for the Fiscal Year ending June 30, 2023

June 21, 2022

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

RESOLUTION NO. 2022-06.26

A RESOLUTION APPROVING THE BUDGETS OF THE VARIOUS FUNDS OF THE CITY OF DANVILLE FOR THE FISCAL YEAR ENDING JUNE 30, 2023.

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

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

Approving the Fiscal Year 2023 Capital and Special Projects Plan for the City of Danville, Virginia.

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

RESOLUTION NO. 2022-06.27

A RESOLUTION APPROVING THE FISCAL YEAR 2023 CAPITAL AND SPECIAL PROJECTS PLAN FOR THE CITY OF DANVILLE, VIRGINIA.

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

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

Approving the Budget Appropriation Ordinance for Fiscal Year 2023

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

ORDINANCE NO. 2022-06.04

BUDGET APPROPRIATION ORDINANCE FOR FISCAL YEAR 2023.

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

Council Member Saunders stated to Council and citizens, *the motion on the floor was to approve the City Manager's final recommendation for Fiscal Year 2023 which includes the budget for Danville Public Schools. I find myself needing to explain my vote. I am a lifelong supporter of education and of those who seek continuous learning. As a member of this Council for twenty-four years, I have consistently voted for all funding for Danville Public Schools. This also includes working for and asking the general public to approve this most recent 1% school tax. While I am extremely hopeful for the success of Danville Public Schools and the success of our new school superintendent, I cannot forget the numerous years I was totally disrespected and ignored by not getting answers and explanations to the numerous questions I have been asking the school system for many, many years, to include most recently, from a newly elected member of the*

June 21, 2022

Danville School Board. The Mayor, City Manager, and I, along with the Vice Mayor, met with the school board representatives to determine how the City Council and School Board can work more closely together for the good of our students and all Danville Public Schools. This request was made because Danville City Council has unanimously agreed to make education the number one priority for the City of Danville. I told the school board representatives just that, our number one priority is education. This meeting was called for February 2, 2022. It was a terrible experience, at least for me, especially when at the very beginning of the meeting one of the school board members (and I am quoting) literally got up, put on his jacket, opened the closed door, and proceeded to leave. I did ask him to please close the door behind him. He only returned when the school board chairperson asked him to do so. His response upon returning, and I quote, "I come back and I am talking and if someone asks me a question I will talk over top of them". I have been trying for several years to get information and answers for the sole purpose of trying to be more helpful to our students, teachers, and school system. I believe that all of my efforts have been unsuccessful. I continue to hear so many complaints from teachers, parents, students, and other community citizens. I am reminded that the school board cannot write itself a check for \$20+ million dollars every year to address school board business. Only Danville City Council can do that. You don't give someone \$20+ million dollars to walk out of your meeting. We have been doing exactly that each year giving the school system millions of dollars for several years. Although I am not proud of this decision, yet it is one I must make feeling ignored, being disrespected, dealing with such arrogance, and receiving many concerns about our school system; my vote is "No".

Mayor Jones asked city staff to stand and thanked them for all they have done regarding the budget. He also thanked Council Member Saunders and Vice Mayor Miller for being on the education committee. Mayor Jones announced that he had the pleasure of appointing two new members to the education committee, and they will be Council Members Whittle and Campbell.

The **Motion** was carried by the following vote:

VOTE: 8-1
AYE: Buckner, Campbell, Hood, Jones, Mayo,
Miller, Vogler and Whittle (8)
NAY: Saunders (1)

CONSIDERATION OF INCREASING THE PERSONAL PROPERTY TAX ON AIRCRAFT

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

ORDINANCE NO. 2022-06.06

AN ORDINANCE AMENDING AND REORDAINING SECTION 37-36 OF THE DANVILLE CITY CODE TO INCREASE THE PERSONAL PROPERTY TAX ON AIRPLANES FROM \$0.30 PER \$100 OF ASSESSED VALUE TO \$0.69 PER \$100 OF ASSESSED VALUE EFFECTIVE JANUARY 1, 2023.

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

Council Member Vogler noted this came forward a few years ago when Fred Shanks was on Council. He proposed this tax increase and at the time he didn't think it even got seconded for a vote; it was back again tonight. Mr. Vogler noted he was opposed to it a few years ago and was still opposed to it now. In the budget that Council just passed, they increased hanger fees, so

the cost of those with airplanes was going up at the airport. This was a 130% tax increase that nets the City a whopping \$28,450 dollars in annual revenue for a budget that was \$285M. That was a 130% tax increase on property owners that equals 0.01% of the City's budget; they were not balancing the budget with this tax increase. In his opinion this was a solution in search of a problem, and he will be voting "No".

Vice Mayor Miller stated he would like to hear from the Transportation Director why they need this increase and where the monies will go.

Director of Transportation Marc Adelman explained there were multiple reasons the Airport Commission wanted to see this personal property tax increase go into effect. First and foremost, Danville's fees were considerably lower, this was just to bring Danville up to the low level of other airports. For example, Martinsville was \$1.55 per \$100 and Pearson County, NC was \$0.72 per \$100; these were small rural airports where the personal property tax rates were higher than what staff was asking for. Mr. Adelman noted he thought they were undervaluing the airport and reflecting to potential customers and pilots the question of why they were charging so little; were the airport facilities poor, were they undermaintained, and that was not the case. On top of that, costs at the airport have significantly increased over the last seventeen years for new hanger construction. Specifically, seventeen years ago they built a hanger building, the cost per square foot was \$29 dollars, it was now \$200 dollars, over 6 ½ times. They were in the process of rehabilitating their cross-wind runway; that was \$3.5M of the City's money to do this work. He believed, and the Airport Commission believed, this was fair and still remains very competitive with other airports in the area.

Council Member Whittle asked how many aircraft this would affect, and Mr. Adelman noted that there were about forty-two aircraft based at the airport currently. However, Averett University's aircraft, which he believed they had twelve in their fleet, were exempt from paying personal property taxes through the state code. The ability to generate additional income or revenue from personal property taxes was based on the aircraft on the field at the time; it was really hard to project what the total amount will be. They were looking at thirty aircraft that would be affected and some people own more than one aircraft.

Council Member Buckner asked what the airport was doing in preparation for the next few years with the continued growth being seen in the region; how will this \$28,450 a year help that and Mr. Adelman noted the Commission was looking at the combination of an increase in personal property tax and hanger rental fees to generate over \$50,000 dollars; that was going towards maintenance expenses. Their facilities were very old, so they renovate them; they were currently renovating the terminal building to support increased traffic over the next three years; it was a \$1M project, and the City's cost was around 20% of that. They were rehabilitating the cross-wind runway to potentially use it to park aircraft related to the casino, and they just opened bids to rehabilitate the south ramp. The local match requirement for that was 2% but it was a \$5M project. The airport was striving to be more self-sustaining, that was the mission; they feel that their current prices undervalue the airport. Mayor Jones thanked Mr. Adelman and noted he has not seen one person from the Airport oppose this whatsoever; no one was here tonight opposing it.

Council Member Campbell noted that he has served with Mr. Adelman for several years in reference to the airport and transit, and questioned did he feel that the City will lose business by these increases, and Mr. Adelman stated that owners cannot go anywhere else that was less expensive. Danville was not increasing their fees in excess of the low fees that other airports were charging nearby. It was a significant increase percentage-wise, however, it was still lower than what everyone else was charging.

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Council Member Campbell questioned if Mr. Adelman felt that was justified, not just because Danville was lower in price and Mr. Adelman noted this past week there were thirty-nine jets that came into the airport for VIR. When speaking with the FBO who interacts with those people, they all say the facility looks really nice. He doesn't think that pilots expect a community airport with a population of a little over 40,000 to have the facilities that Danville has, but they were expensive to maintain. Mr. Adelman stated this was user based; the people that were benefiting from the airport were paying these fees.

Council Member Whittle noted that Averett was the FBO and asked if that was working well for the City and Mr. Adelman stated it was working great. John Earl, the FBO manager, was wonderful. Mr. Whittle asked how much they put back into the airport operations and Mr. Adelman explained that currently it was based on their lease fees and their fuel flow fees. They were contributing between \$30,000 to \$40,000 annually based on the facilities they rent and the fuel flow fees that come from their sales. Mr. Adelman stated Averett makes money off the sale of jet fuel; that was where FBO's make their money. The profit margin for jet fuel was significantly larger than it was for piston engine air fuel due to it being lead based and transported by pipe versus avgas for single engine aircraft.

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

VOTE: 5-4
AYE: Campbell, Jones, Mayo, Miller, and Saunders, (5)
NAY: Buckner, Hood, Vogler, and Whittle, (4)

NEW BUSINESS

REVIEW OF THE GENERAL FUND FINANCIALS AS OF MAY 31, 2022

Director of Finance Michael Adkins stated the current real estate budget was \$18.5M and as of today the City had reached that goal; they were 100% collected and exceeded that budget by about \$50,000. The Personal Property Tax budget of \$13.2M had been met and exceeded by about 6%. Delinquent Personal Property Tax has been a very good performer this year, budgeted at just under \$1M and they have collected \$1.3M. On the local consumer driven taxes, in Sales Tax, they budgeted a little over \$10M this year and have collected almost \$11M. Business Licenses also performed well; budgeted at \$5.5M, they have collected close to \$6M. Meals Tax was budgeted at \$9.5M and they have collected about \$9.75M. Lodging taxes were budgeted at \$1.8M and they have collected \$2M as of today. Under Interest income, the Federal Reserve increased rates several times over the last several months, and the City has collected about \$250,000 in interest earnings. There were a few items performing under budget, the main one was the Telecommunications Tax; last year they were receiving about \$220,000 per month and this year were receiving about \$190,000 per month. That will result in about a \$350,000 dollar shortage in that line item. Also, in Delinquent Real Estate, they had budgeted about \$200,000 more than has been collected so far this year. In regard to Expenditures, the departments were at about 85% of budget and there are still quite a few expenditures to book for the last month. Hopefully there will be some surplus to add to the fund balance at the end of this fiscal year.

Council Member Buckner thanked Mr. Adkins for all he does to keep Danville pushing forward, the \$1M increase in business licenses, how many were from new businesses. Mr. Adkins noted that he did not have that information with him, but he would work with Jimmie Gillie to get that number.

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Council Member Vogler noted that he did not have a question for Mr. Adkins, but wanted to get clarification on the previous motion on the airport tax stating that it failed. Mr. Whitfield stated he was correct; it needed six votes to pass.

Council Member Whittle asked what the Telecommunications Tax was and Mr. Adkins explained that was tax on phone land lines, cablevision, and satellite services; more people seem to be using cell phones and streaming services. Mr. Whittle noted that half of the City Attorney's office budget was paid from the Utility Department and thought that was irregular. Mr. Whitfield stated that Ryan Dodson received half of his salary from the Utility Department because 50% of his responsibilities were in the Utility Department.

CONSIDERATION OF CHANGES TO THE CITY'S PERSONNEL SYSTEM REGULATIONS

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

ORDINANCE NO. 2022-06.10

AN ORDINANCE AMENDING THE PERSONNEL SYSTEM OF THE CITY OF DANVILLE PROVIDING FOR THE CLASSIFICATION, COMPENSATION, AND EMPLOYEE DEVELOPMENT FOR EMPLOYMENT POSITIONS OF THE CITY.

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

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

CONSIDERATION OF AMENDING SECTION 4. ENTITLED "AUTOMOBILE ALLOWANCE" OF THE CITY MANAGER'S EMPLOYMENT CONTRACT

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

RESOLUTION NO. 2022-06.28

A RESOLUTION AMENDING SECTION 4 ENTITLED "AUTOMOBILE ALLOWANCE" OF THE CITY MANAGER'S EMPLOYMENT AGREEMENT

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

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

CONSIDERATION OF FEE INCREASES EFFECTIVE JULY 6, 2022

Mayor Jones opened the floor for a Public Hearing regarding Fee Increases. Notice of the Public Hearing was published in the *Danville Register & Bee* on June 14, 2022 and June 21, 2022. No one present desired to be heard and the Public Hearing was closed.

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

ORDINANCE NO. 2022-06.11

AN ORDINANCE AMENDING AND ESTABLISHING CERTAIN RENTAL FEES OF THE CITY OF DANVILLE EFFECTIVE JULY 1, 2022.

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

CONSIDERATION OF AMENDING THE FISCAL YEAR 2022 BUDGET APPROPRIATION ORDINANCE FOR A GRANT FROM THE DANVILLE REGIONAL FOUNDATION IN THE AMOUNT OF \$979,690

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

ORDINANCE NO. 2022-06.12

AN ORDINANCE AMENDING THE FISCAL YEAR 2022 BUDGET APPROPRIATION ORDINANCE BY INCREASING REVENUE FROM THE DANVILLE REGIONAL FOUNDATION IN THE AMOUNT OF \$979,690 AND APPROPRIATING THE SAME.

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

CONSIDERATION OF AMENDING THE FISCAL YEAR 2022 BUDGET APPROPRIATION ORDINANCE FOR A GRANT FROM THE DANVILLE REGIONAL FOUNDATION IN THE AMOUNT OF \$4,000,000

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

ORDINANCE NO. 2022-06.13

AN ORDINANCE AMENDING THE FISCAL YEAR 2022 BUDGET APPROPRIATION ORDINANCE BY INCREASING REVENUE FROM THE DANVILLE REGIONAL FOUNDATION IN THE AMOUNT OF \$4,000,000 AND APPROPRIATING THE SAME

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

CONSIDERATION OF AMENDING THE FISCAL YEAR 2022 BUDGET APPROPRIATION ORDINANCE FOR FUNDS FROM THE VIRGINIA TOURISM CORPORATION IN THE AMOUNT OF \$210,000

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

ORDINANCE NO. 2022-06.14

AN ORDINANCE AMENDING THE FISCAL YEAR 2022 BUDGET APPROPRIATION ORDINANCE FOR TWO AMERICAN RESCUE PLAN ACT TOURISM RECOVERY PROGRAM GRANTS FROM THE VIRGINIA TOURISM CORPORATION IN THE AMOUNT OF \$100,000

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AND \$110,000 RESPECTIVELY FOR A TOTAL OF \$210,000 AND APPROPRIATING THE SAME.

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

COMMUNICATIONS

City Attorney Clarke Whitfield congratulated Jack Garrett.

Council Member Whittle asked if Council could discuss items that were first readings or if they had to wait for it to be voted on. Mr. Whitfield stated they could discuss the items at any time.

Council Member Buckner noted he had the honor of speaking at the Police Youth Academy and gave a shout out to Sylvia Brooks for all the work she and her team were doing with the children.

Council Member Campbell thanked Mayor Jones for appointing him to the education board, and thanked Council Member Saunders and Vice Mayor Miller for the work they have done over the past few years. Reverend Campbell stated he did have some concerns with the school system, and asked that Council put their heads together and work through these issues for the young people. They can make a better Danville for their youth. Council Member Whittle noted that he has been unable to serve on boards before due to his schedule but looks forward to working with Council Member Campbell and the school officials.

Vice Mayor Miller noted he had worked with Council Member Saunders for years on the education board. There was no doubt in his mind that he had worked hard for the education of the children, and wished all the success to the appointees. Mayor Jones thanked Council Member Whittle and Campbell for not hesitating when asked to be on the education board.

Council Member Hood noted this past Friday the Stay Hood foundation put on a collaborative event with Danville Public Schools and Church-Based Tutorials at the SCLC building in 97-degree weather; everyone came together. The actual event was named Important Conversations With Our Youth; they were able to get a lot of feedback from students and parents.

Council Member Mayo noted that Conversations With Our Youth was a great event. Along with the Police Youth Academy, he also had a basketball camp that he has been running for twenty-one years for the inner-city youth. Mr. Mayo mentioned how Vice Mayor Miller and Council Member Saunders were pioneers for the education committee. He encouraged parents that no matter what their child was going through to be ready to get on board with the schools, and find out what they can do to help their children.

Vice Mayor Miller thanked the City's Utility workers and Public Works crews for their work during the storms, how quickly they were able to get power back on and streets cleaned up. Dr. Miller noted the Children's Festival was a successful event.

Council Member Saunders thanked all the employees for the amazing job they did during the storm; they put themselves in harm's way to get the City's power back on and the City cleaned up. He also recognized Bishop Lawrence Campbell, who he has known since Mr. Saunders was fifteen; he retired from forty-three years of being on the board of Movement Bank. He thanked all the citizens of Danville, and thanked the Police Department and their families for what they do on a daily basis.

June 21, 2022

Mayor Jones thanked the Ministerial Alliance for hosting him, Council Member Mayo, and Tommy Bennett a couple of weeks ago. He acknowledged Amanda Paez for her help in hosting the young people who came to City Hall to learn more about local government. Later, he attended an event at Langston for the Police Youth Academy, Council Member Hood's event on Friday, and the Children's Festival on Saturday; there was a lot going on in the City with their youth, and thanked everyone who was involved with those events. Council has three strategies which were, to reduce violent crime, support education, and Grow Danville. The reason he asked to move education to their number one priority was because the Chief of Police and his team did an excellent job at lowering crime. He thanked Council Member Saunders and Miller for being so nice after knowing what they went through on the education committee. To the citizens and the community please know that this Council's focus was on education.

Meeting adjourned at 8:06pm.

APPROVED:

MAYOR

ATTEST:

CITY CLERK

June 21, 2022

A Regular Work Session of the Danville City Council convened on June 21, 2022, at 8:31 p.m. in the Conference Room located on the Fourth Floor of the Municipal Building. Council Members present were: James B. Buckner, L.G. "Larry" Campbell Jr., Bryant Hood, Mayor Alonzo 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 Larking, Deputy City Manager Earl B. Reynolds, Jr., City Attorney W. Clarke Whitfield Jr., and City Clerk Susan M. DeMasi.

Mayor Jones presided.

MINUTES

Upon **Motion** by Council Member Buckner and **second** by Council Member Mayo, Minutes of the Regular Work Session held on May 17, 2022 were approved as presented. Draft copies were distributed to Council Members prior to the Meeting.

WORK SESSION ITEMS

DISCUSSION OF THE LONG MILL DAM

City Manager Ken Larking noted this issue had come up before and he recognized that there were many members of the community that enjoy the beauty of the Dan River where the Long Mill Dam was located. Mr. Larking noted, however, there were some very good reasons why the Long Mill dam needed to go, and reviewed his power point on the removal of the Long Mill Dam. He noted that the main arguments for the removal of the dam included, the Long Mill Dam was not serving a function, it did in the past, but now was a low head dam in the river. It was dangerous, especially when the water was up; people have died at Long Mill dam, they were considered drowning machines. There were state and federal permitting advantages for planned development that was to occur around that site including the City's Riverfront Park and the White Mill development. Removal of the dam would reduce flooding for current and future development along the river. There were environmental benefits to returning the Dan River to its natural state that include restoring fish passage, creating natural sediment movement, and reduction in bank erosion. Several agencies support the removal of the dam including the Virginia Department of Game and Inland Fisheries, the Virginia Department of Environmental Quality, United States Army Corps of Engineers, the Dan River Basin Association and American Rivers.

There have been some concerns expressed regarding the removal of the dam including it looks great to have water rushing over the dam. The response to that was with probable exposed rocks/rapids the appearance will change from water rushing over a wall to rushing over and around a collection of natural rocks/outcroppings. Another argument was, it sounds great to have the water washing over the dam. In response, with probable exposed rocks/rapids the sound was still there and would now be spread throughout the river bottom, not just in one location. Another argument to keeping the Long Mill Dam was the next dam to be taken down will be Union Street Dam. Mr. Larking noted there was no benefit to removing the Union Street Dam for the following reasons: it was an integral built-in water control device for the potential Whitewater course that the City Council approved funding for the design, Union Street Dam height/scale was different from the low head dam at the Long Mill site, and there was no proposed upstream development from Union Street.

Mr. Larking stated safety was the number one concern; in 2010, a five-year-old boy died at what was the Brantley Dam, a low head dam further downstream. It was removed shortly after the incident. In 2020, one man died, and another man was injured when their canoe went over the Long Mill Dam. Last year, five people died when their tubes went over a low head dam on the Dan River near Eden, NC. Earlier this month, twelve people were involved in an accident at a low head dam on the James River where two people died. Low head dams create hazards because when water flows over a low-head dam, it forms a hydraulic jump or intense recirculation of the water below the dam. This "roller" type recirculation directs the water flow back upstream toward the face of the dam. Should something get into this recirculating current, drowning was possible. Research has shown that, of all the documented deaths at low-head dams in the US, 69% of them have occurred in the last fifteen years. This was likely because low head dams were built for industrial purposes, and when those industrial purposes stopped existing, low head dams did not go with them. People were then enjoying the river, and the increase in water-related public recreation was a contributing factor to the increase in fatalities. More development along the river will initiate an increase in people and danger. Current development includes the Riverfront Park, an extension of the Riverwalk Trail to the White Mill, redevelopment of the White Mill, redevelopment of the White Mill Bridge into a pedestrian crossing, and the property next to the YMCA being currently marketed for development.

Mr. Larking explained there were permitting benefits to the dam removal. There were elements that were part of the Park, including the pier, the white-water park feature, the riverwalk trail and pedestrian connection that will impact the flood plain; the City will have to get permits for some of these items. The City does not receive any credit for partial removal or modification of the dam. If the City were to turn in their permit application and include the removal of the dam within that process, they will benefit from the dam removal, because it will positively impact the floodway, enable the City to do work within the floodway, and that would make getting the federal permits more achievable than if they didn't do anything with the dam. Mr. Larking noted one of the things they would have to delay work on was the pier element; one of the piers was going to be in the river and that will impact the flood plain. FEMA has a No-Rise Permit which can be done locally; the City was not able to get a No-Rise permit for the pier element at the park because it does impact the flood plain. If the City removes the dam, the City will get credit for that and be able to put the pier in so they can have that element of the Riverfront Park. Mr. Larking noted other park elements that required Federal permitting were the white-water rafting facility and the riverwalk trail. Mr. Larking noted staff recommended the dam be removed as part of the permitting process to do the park elements, the future expansion of the Riverwalk Trail and the white-water rafting facility all at the same time so the City can better get through the Federal and State permitting process, in addition to the safety and environmental benefits.

Mayor Jones thanked Mr. Larking for his presentation and thanked all those in attendance for being there. He also reminded Council that they have had the recommendation to remove the dam before them many times.

Council Member Buckner asked if the Army Corp of Engineers had any idea what the water levels will be once the dam was removed and Mr. Larking stated it depended on the flow of water. What they anticipate, because the Union Street Dam backs up water, was downstream from the Union Street dam will be low; they don't expect there to be a lot of sediment or mud, mostly a rocky bottom with a few inches of water when it was really low. There could be times when it was raining when it could be higher than that. Mr. Buckner asked when they come out at the bottom past the low head dam, it was basically a rock pile now so how will they send boaters out into a pile of rocks. Mr. Larking explained that when people were in the canal, the water level inside the canal will be higher until it dumps out into the river. Then the water level will be lower giving the

boaters a chance to get out of the raft in a safe way. In response to Mr. Buckner, Director of Parks and Recreation Bill Sgrinia explained the way it would work was that the boats would come down the canal, not a lot of water was required to run it because it gets its speed through the restriction of the canal and the gradient; they were not taking more water from above the dam. When it comes down to the bottom there will be a pool because they were losing gradient to get down to the river. That was where people would get out of the rafts; they were not sending them into the river.

Mr. Buckner noted his concern was that the river was roughly 1,000 feet wide and if they take down the dam what does that shrink to, and Mr. Sgrinia noted when the Brantley dam was removed they could not tell a difference in the size of the river; that had been a concern with Brantley as well. Here they were projecting that the river may be one to two inches lower, it would not shrink on either side, the same amount of water would be flowing. He introduced Graham Smith who was the architect on the Riverfront Park and had been spending days on the white-water channel with the engineers. He has done the flood plain mapping, studies, all the permitting for this park to be built with No Rise. Mr. Smith noted given the evidence they have seen, and the historical data, there were rocks going all the way up to the face of the Union Street Dam, with a continuous slope. They think they know visually what they will see and there was no evidence, based on the Brantley Dam and the ecologist they have on their team, that they will lose significant river width. There was scouring on both ends of the dam and those scour spots may fill in which will be a good thing, because there was some erosion happening and some utilities that may be at danger there. They do not believe there will be any significant change in the river width in those corridors.

Council Member Campbell asked how they would be able to increase the amount of water in the channel, and Mr. Smith explained that a water control device, the Union Street Dam, had a series of headgates there that would be rebuilt to be operational. Water was flowing into the canal now and moving in the canal. They expect the water to flow four feet higher than it does now; in historical photos it used to flow seven feet higher than it does currently. The upper section would somewhat be a .5% slope which was flat water and then toward the end of the White Mill, getting into the competition course, they will take it to 1.8% to 2%, and that starts to change the velocity. They will constrict it sometimes and get into an Olympic caliber event if they needed it, and could also do recreation. Mr. Campbell asked how they were able to raise the water and Mr. Smith explained in the design they came up with today, they would like to add one water control device in the current channel, it was a dam that would be on a pulley system and controlled by a computer.

Council Member Whittle noted there was an enormous amount of coal ash still sitting in the river bottom adjacent to his property, and stated it was on the river bottom near the Long Mill Dam. If the dam was removed, will it stir up the coal ash all the way down the river, and Mr. Larking noted that there was no evidence of coal ash being there.

Vice Mayor Miller noted as a priority of Council, this was public safety, to protect the public by taking the dam down. The City was going to put in a new park right below the dam; it will attract people and children who will be getting near the low head dam which was a dangerous structure. Economic Development needs the removal of the dam to develop the whitewater component, and the City needs to do a better job of educating the public about fishing, the river and water safety. Another reason, the fish would spread out and be able to grow larger. There were numerous reasons why the dam needed to be removed. A flowing river over rapids was much prettier than a dammed up river, and it would be less likely to flood.

June 21, 2022

Council Member Vogler noted historical data was referenced on the dam and asked if that was the same data from the Army Corps of Engineers from 1877 through the 1880's which was before the dam was built. Mr. Vogler noted that the data from the Army Corps of Engineers was very detailed including the fact that the depth of the river ranged from $\frac{3}{4}$ " to four-foot pools before the dam. Mr. Vogler questioned if the City Manager was guaranteeing if the dam was removed, the pier gets permitted or will the City get credit for that. Mr. Smith explained that flood models were done from downstream to upstream. When a disturbance was put in the flow from a downstream portion, they try to balance that out. In the immediate adjacent area to the river, there cannot be any rise over .01 inch. When they start putting things in that floodway, it constricts the water, it rises the water and changes the flood model. This assists with the approvals and balances out all of it in a lot of ways. Mr. Vogler stated removing the dam would help get a permit for the pier, but the City doesn't know 100% that they will get that permit and Mr. Smith explained they would get it if they removed the dam.

Mayor Jones noted there was a request on the floor from the City Manager to remove the dam. He requested a straw poll from Council to see if this item would be placed on the agenda. The City Clerk noted six votes to put this item on a business agenda.

COMMUNICATIONS

Council Member Campbell noted his thanks to Council Members Saunders and Miller for their service on the education board.

Mayor Jones noted that Dr. Hairston sent an email about scores she dropped off, had asked that those be broken down and find out where Danville ranks in the state.

MEETING ADJOURNED AT 8:54 P.M.

APPROVED:

MAYOR

ATTEST:

CITY CLERK

Council Letter

City of Danville, Virginia



CL-2783

Consent Agenda C.

City Council Regular Meeting

Meeting Date: 07/19/2022

Subject: Virginia Tobacco Region Revitalization Commission Southern Virginia Program Grant for Industrial Shell Building

From: Corrie Bobe, Director of Economic Development

COUNCIL ACTION

First Reading: 07/05/2022

Final Adoption: 07/19/2022

SUMMARY

The Virginia Tobacco Region Revitalization Commission (VTRRC) provides grants and loans to localities through its Southern Virginia Program for projects that are considered critical for the economic renewal of the region. Investment categories and funding priorities include agribusiness, economic development (business development, industrial sites and infrastructure, and tourism), and broadband.

The City of Danville executed a grant through the Southern Virginia Program (Grant #3360) on January 9, 2018 in the amount of \$1,000,000 for the purpose of constructing a 30,000 square foot industrial shell building in the Cyber Park. An extension for this project was approved by the Tobacco Commission board at its May 2022 meeting, which extended this grant until January 31, 2023. Funds will be provided on a reimbursement basis.

BACKGROUND

The Industrial Development Authority of Danville and the Pittsylvania County Industrial Development Authority entered into a Memorandum of Understanding to partner on the construction of a 30,000 SF shell building within the Cyber Park to meet the needs of prospective industry. The total cost to construct this building is \$2.875 million. The City of Danville applied for and received a \$1,000,000 grant from the Tobacco Commission's Southern Virginia Program to go towards the construction of this building. The City and County will split the remaining \$1.875 million of costs associated with this project.

RECOMMENDATION

It is recommended by staff that City Council approve the attached Ordinance Amending the Fiscal Year 2023 Budget Appropriation Ordinance to appropriate funds from the Virginia Tobacco Region Revitalization Commission to the City of Danville for the purpose of constructing a 30,000 square foot industrial shell building in the Cyber Park.

PRESENTED:_____

ADOPTED:_____

ORDINANCE NO. 2022-_____._____

AN ORDINANCE AMENDING THE FISCAL YEAR 2023 BUDGET APPROPRIATION ORDINANCE FOR ONE SOUTHERN VIRGINIA PROGRAM GRANT #3360 IN THE AMOUNT OF \$1,000,000 FROM THE VIRGINIA TOBACCO REGION REVITALIZATION COMMISSION AND APPROPRIATING THE SAME.

WHEREAS, a total of \$1,000,000 was approved by the Virginia Tobacco Region Revitalization Commission (VTRRC) in 2018 for the City of Danville to construct a 30,000 square foot industrial shell building within the Cyber Park; and

WHEREAS, the City of Danville and Pittsylvania County are partnering through their respective Industrial Development Authorities to complete this project and have jointly financed the remaining cost of this project through Virginia Community Capital and the Virginia Small Business Financing Authority.

NOW THEREFORE, BE IT ORDAINED, by the Council of the City of Danville, Virginia, that the Fiscal Year 2023 Budget Appropriation Ordinance be, and it is hereby, amended by anticipate revenues from one grant in the amount of \$1,000,000 from the Virginia Tobacco Region Revitalization Commission for the purpose of constructing a 30,000 square foot shell building in the Cyber Park. Such revenue and appropriation to be as follows:

ANTICIPATED REVENUES

<u>Description</u>	<u>Account No.</u>	<u>Amount</u>
Economic Development Incentives VTRRC Southern Virginia Program	60920000-46030	<u>\$1,000,000</u>

ANTICIPATED EXPENDITURES

<u>Description</u>	<u>Account No.</u>	<u>Amount</u>
Economic Development Incentives Contribution to IDA	60920000-56576	<u>\$1,000,000</u>

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

APPROVED:

Mayor

ATTEST:

City Clerk

Approved as to
Form and Legal Sufficiency:

City Attorney

Council Letter

City of Danville, Virginia



CL-2789

New Business A.

City Council Regular Meeting

Meeting Date: 07/19/2022

Subject: Consideration of Authorizing the US District Court for the Western District of Virginia, to Conduct Hearings at the James F. Ingram Justice Center

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

COUNCIL ACTION

Business Meeting: 07/19/2022

SUMMARY

The Honorable United States District Court Judge Thomas T. Cullen, with support of the Danville Circuit Court, has requested that Danville Division criminal hearings and trials involving defendants or witnesses in federal custody be held at the James F. Ingram Justice Center, thus reducing the inconvenience to witnesses, jurors, victims, lawyers, and family members, as well as other citizens that may have an interest in the proceedings, of having to travel to Lynchburg or Roanoke.

BACKGROUND

In 2021, the United States Marshal for the Western District of Virginia recommended that no criminal proceedings be held in the Danville federal courthouse for security reasons. As a result of the security concerns, the Court issued Standing Order 2022-09 requiring that criminal trials involving defendants or witnesses who are in custody not be held in the Danville federal courthouse.

Hearings and trials in criminal cases involving defendants or witnesses from the Danville Division criminal cases are to be held at the United States Courthouse in Lynchburg, Virginia. In large criminal cases involving multiple defendants, the presiding judge may conduct hearings and jury trials from Danville Division criminal cases in the Ceremonial Courtroom in the Roanoke federal courthouse.

This causes a significant inconvenience to witnesses, jurors, victims, lawyers, and family members as well as other citizens that may have an interest in the proceedings.

As a result, the Honorable United States District Court Judge Thomas T. Cullen, with support of the Danville Circuit Court, has requested that Danville Division criminal hearings and trials involving defendants or witnesses in federal custody be held at the James F. Ingram Justice Center, thus reducing the inconvenience to witnesses, jurors, victims, lawyers, and family members as well as other citizens that may have an interest in the proceedings of having to travel to Lynchburg or Roanoke.

RECOMMENDATION

It is recommended that the City Council adopt a resolution authorizing and approving a License Agreement between the City of Danville and the United States District Court for the Western District of Virginia, Danville Division, to conduct hearings and trials at the James F. Ingram Justice Center.

Attachments

Resolution

License Agreement

PRESENTED: _____

ADOPTED: _____

RESOLUTION NO. 2022 - ____.

A RESOLUTION OF THE COUNCIL OF THE CITY OF DANVILLE
AUTHORIZING AND APPROVING A LICENSE AGREEMENT BETWEEN THE CITY OF
DANVILLE AND THE UNITED STATES DISTRICT COURT FOR THE WESTERN
DISTRICT OF VIRGINIA, DANVILLE DIVISION, TO CONDUCT HEARINGS AND TRIALS
AT THE JAMES F. INGRAM JUSTICE CENTER.

WHEREAS, as a result of the security concerns, the United States District
Court for the Western District of Virginia issued Standing Order 2022-09 requiring that
criminal trials involving defendants or witnesses who are in custody not be held in the
Danville federal courthouse; and

WHEREAS, hearings and trials in criminal cases involving defendants or
witnesses from Danville Division criminal cases are to be held at the United States
Courthouse in Lynchburg, Virginia or in large criminal cases involving multiple defendants,
in the Ceremonial Courtroom in the Roanoke federal courthouse; and

WHEREAS, this causes a significant inconvenience to witnesses, jurors,
victims, lawyers, and family members as well as other citizens that may have an interest in
the proceedings; and

WHEREAS, the Honorable United States District Court Judge Thomas T.
Cullen, with support of the Danville Circuit Court, has requested that Danville Division
criminal hearings and trials involving defendants or witnesses in federal custody be held at
the James F. Ingram Justice Center, thus reducing the inconvenience to witnesses, jurors,
victims, lawyers, and family members as well as other citizens that may have an interest in
the proceedings of having to travel to Lynchburg or Roanoke.

NOW THEREFORE, BE IT RESOLVED, by the Council of the City of
Danville, Virginia, that it hereby authorizes and approves a License Agreement between the
City of Danville and the United States District Court for the Western District of Virginia,
Danville Division, for the United States District Court for the Western District of Virginia,
Danville Division to conduct hearings and trials at the James F. Ingram Justice Center; and

BE IT FURTHER RESOLVED, that the City Manager, or his designee, be, and he is hereby, authorized and to execute the License Agreement, substantially in the form attached hereto, or other any other type of Agreement between United States District Court for the Western District and the City of Danville on behalf of the City.

APPROVED:

Mayor

ATTEST:

City Clerk

APPROVED AS TO
FORM AND LEGAL SUFFICIENCY:

City Attorney

**LICENSE AGREEMENT
BETWEEN
CITY OF DANVILLE,
duly incorporated under the Constitution and Laws of the
COMMONWEALTH OF VIRGINIA,**

AND

**THE UNITED STATES DISTRICT COURT
FOR THE
WESTERN DISTRICT OF VIRGINIA**

THIS AGREEMENT, is made effective as of _____, by and between the Danville City Council whose address is Municipal Building, 427 Patton Street, Danville Virginia 24541, hereinafter called the “Licensor,” and the United States District Court for the Western District of Virginia, hereinafter called the “Licensee,” whose address is Thurgood Marshall Federal Judiciary Building, One Columbus Circle, N.W., Washington, D.C. 20544.

WHEREAS, the Licensor owns the premises known as the James F. Ingram Justice Center (hereinafter “Justice Center”), located at 401 Patton Street, Danville, Virginia 24543.

WHEREAS, the Licensor is interested in allowing the Licensee the right to use a courtroom, jury room, and chambers space in the Justice Center and to have access to the lockup facility and parking all such use of the space and facilities, including parking, without cost to the Licensee.

WHEREAS, the Licensee may hold sessions of court where suitable locations are provided without cost to the Licensee under 28 U.S.C. § 462(a), and the Licensee considers the Justice Center a suitable location to hold sessions of court.

NOW, THEREFORE, in consideration of the mutual promises contained in this agreement, the parties agree as follows:

**SECTION ONE
AUTHORITY**

This agreement is being entered into by the parties under the authority set forth in 28 U.S.C. § 462(a), which allows for sessions of court of the United States to be held at places “where suitable accommodations are furnished without cost to the judicial branch.”

SECTION TWO GRANT OF LICENSE; DESCRIPTION OF PREMISES

The Licenser hereby grants to the Licensee a non-exclusive, non-assignable license to occupy and use any available courtroom, jury room, and judicial chambers, as needed, within the Justice Center. The Licenser also hereby grants to the Licensee a non-exclusive, non-assignable license to access and use the secure lockup facility for the purpose of remanding a defendant or incarcerated witness to custody at the Judicial Center. Such license will be provided at no-cost to the Licensee, subject to the terms and conditions in this agreement and as per a schedule agreed to by the parties.

The Licensee shall have nonexclusive rights, together with the Licenser to use all corridors, entry areas, areas for access, ingress and egress, and all other common areas such as rest rooms, and lobbies. Parking is available for the Licensee to use in the city-owned parking lot adjacent to the Justice Center, but no parking spaces are allocated specifically to the Licensee.

The Licenser agrees, as part of this license, to assume the responsibility for all maintenance, upkeep, cleaning, and repairs required for the premises in the Justice Center, as well as the payment of utilities (including, but not limited to, heating, air conditioning, water, sewage, and trash) that are covered by this license agreement.

SECTION THREE LIMITATION TO DESCRIBED PURPOSE

The Licensee shall use the Licenser's premises solely for the purposes of conducting business of the United States District Court, Western District of Virginia, including but not limited to, hearings, trials, sentencing, conferences, and other legal proceedings. In order for the Licensee to conduct the business of the United States District Court, the Licenser shall permit federal judicial officers, federal judiciary employees, the United States Marshals Service, and members of the public access to and use of the licensed premises.

The Licensee may exercise its rights under this agreement Monday through Friday, from 8:00 a.m. until 5: p.m., excluding designated closure days when the Licensee will not have access to the licensed premises. The Licensee will schedule all court proceedings by coordinating with the judges, and/or their designees, of the Circuit Court.

The Licensee, through the United States Marshals Service, is responsible for arranging appropriate security when the United States District Court is in session. The Licensee shall use the Licenser's lockup facility in the event a defendant must be detained and when witnesses are in federal or state custody.

SECTION FOUR TERM OF LICENSE

The term of this license agreement shall commence on _____ and continue in force for a term of five years. Upon the mutual agreement of both parties, this agreement may be extended for an additional term of five years and shall be evidenced by an addendum to this agreement signed by the Licenser and Licensee.

SECTION FIVE INDEMNIFICATION

By Licensors: To the extent allowable under Virginia law and without waiving its Sovereign Immunity, the Licensors shall indemnify, protect, and save harmless the Licensee from any and all losses, expenses, and claims by reason of any injury to persons and damage to property arising out of or in connection with the Licensors's gross negligence or other tortious actions.

By Licensee: Notwithstanding any other term or provision contained in this agreement, the liability of the Licensee with respect to any claim for personal injury, death, property loss or damage under this License, is limited by and subject to the procedures and terms of the Federal Tort Claims Act, 28 U.S. C. §§ 2761, et seq., the Anti-Deficiency Act, 31 U.S.C. 1341, and all other applicable federal laws and regulations.

SECTION SIX REVOCATION OR CANCELLATION OF AGREEMENT

The Licensors may revoke this license agreement at any time by providing written notice to the Licensee at U.S. District Court, 210 Franklin Road, S.W., Suite 540, Roanoke, Virginia 24011. In the event the Licensors provides notice of revocation to the Licensee, the Licensee shall vacate the premises within 180 days following receipt of the notice. Licensee shall surrender the licensed premises in the condition in which it was received, normal wear and tear excepted.

The Licensee may cancel this agreement upon providing 180 days' written notice to the Licensors at this address: City Council c/o City Attorney, Municipal Building, 427 Patton Street, Danville Virginia 24541.

Should the licensed premises, or any essential part, be totally or partially destroyed by fire or other casualty, the Licensors shall immediately notify the Licensee. If the premises are damaged beyond repair or if the Licensors determines that the premises will not be repaired, and there are no alternate spaces available for interim use by the Licensee, the Licensors shall provide written notice to the Licensee that the license is revoked.

The Licensee may, at any time following the total or partial destruction of the licensed premises, cancel the license agreement by providing 90 days' written notice to the Licensors.

SECTION SEVEN ENTIRE AGREEMENT

This agreement constitutes the entire agreement between the parties and any prior understanding or representation of any kind preceding the date of this agreement shall not be binding on either party to the extent incorporated in this agreement.

SECTION EIGHT MODIFICATION OF AGREEMENT

Any modification of this agreement or additional obligation assumed by the Licensor and Licensee in connection with this agreement shall be binding only if evidenced in writing signed by an authorized representative of each party.

SECTION NINE POINTS OF CONTACT

For the administration of this License Agreement, the parties designate the following points of contact:

For Licensor:

Hon. Alonzo L. Jones,
Mayor, City of Danville
427 Patton St., 4th Floor
Danville, Virginia 24543

Telephone: 434-250-3231

Mr. W. Clark Whitfield, Jr.
City Attorney
P.O. Box 3300
Danville, Virginia 24543

Telephone: 434-799-5122

For Licensee:

Hon. Julia C. Dudley
Clerk Of Court, U.S. District Court
210 Franklin Road, S.W., Suite 540
Roanoke, Virginia 24011

Telephone: 540-857-5100

Mrs. Kimberly Manning
Contracting Officer, U.S. District Court Clerk's Office
210 Franklin Road, S.W., Suite 540
Roanoke, Virginia 24011

Telephone: 540-857-5110, ext. 5107

**SECTION TEN
APPLICABLE LAW**

The validity, interpretation, and effect of this agreement shall be governed by federal laws, and where applicable and determined by a federal court of competent jurisdiction, the laws of the Commonwealth of Virginia.

**SECTION ELEVEN
SIGNATURES**

LICENSOR

CITY OF DANVILLE, VIRGINIA

Kenneth F. Larking,
City Manager, City of Danville

Date

W. Clarke Whitfield, Jr., Esq.
City Attorney, Danville, Virginia

Date

LICENSEE

UNITED STATES DISTRICT COURT,
WESTERN DISTRICT OF VIRGINIA

Kimberly Manning,
Contracting Officer
U.S. District Court for the
Western District of Virginia

Date

Council Letter

City of Danville, Virginia



CL-2794

New Business B.

City Council Regular Meeting

Meeting Date: 07/19/2022

Subject: Virginia Department of Transportation - Smart Scale Project Application Endorsements

From: Brian Dunevant, Assistant Public Works Director & City Engineer

COUNCIL ACTION

Business Meeting: 07/19/2022

SUMMARY

The City of Danville will be submitting four Smart Scale applications to the Virginia Department of Transportation for proposed transportation projects within the City of Danville. The Danville Metropolitan Planning Organization will be submitting two Smart Scale applications to the Virginia Department of Transportation. One project is to be located in the City of Danville, and the other project is located at the Berry Hill Mega Site. Each application requires a resolution of support from Danville City Council. The proposed projects are as follows:

Riverside Drive Improvements - Piney Forest Road to Audubon Drive
Riverside Drive Improvements - Audubon Drive to Arnett Boulevard
Riverside Drive Improvements - Arnett Boulevard to Main Street
Piney Forest Road Improvements
Piedmont Drive Pedestrian Accommodations
Connector Road Expansion at Berry Hill Mega Site

BACKGROUND

Smart Scale is a statewide program that distributes transportation funding based on a transparent and objective evaluation of projects that will determine how effectively they help the State of Virginia achieve its transportation goals. Smart Scale project applications are scored by the Virginia Department of Transportation based on scoring criteria established for the region in which the proposed project is located. Based on scoring and available funding, projects are then recommended to the Commonwealth Transportation Board. Applications are due August 1, 2022, and it is expected that the Commonwealth Transportation Board will formally vote to award project funding for the current round of Smart Scale in June 2023. Projects that are not awarded funding can be resubmitted under a future application. It is anticipated that any projects awarded funding in June 2023 will be able to access preliminary engineering funds beginning in Fiscal Year 2028. Projects are then expected to be developed and constructed based on an approved schedule.

RECOMMENDATION

It is recommended that Danville City Council consider approving the attached resolutions of support for the proposed Smart Scale project applications.

Attachments

Resolution

Resolution

Resolution

Resolution

Resolution

Resolution

PRESENTED: _____

ADOPTED: _____

RESOLUTION NO. 2022-____.____

A RESOLUTION APPROVING AND AUTHORIZING THE ENDORSING OF A SMART SCALE APPLICATION BY THE CITY OF DANVILLE TO THE VIRGINIA DEPARTMENT OF TRANSPORTATION FOR THE PROPOSED CONSTRUCTION OF RIVERSIDE DRIVE IMPROVEMENTS FROM PINEY FOREST ROAD TO AUDUBON DRIVE.

WHEREAS, the Virginia Department of Transportation is accepting applications for Smart Scale funding; and

WHEREAS, the City of Danville desires to submit an application for the construction of Riverside Drive Improvements from Piney Forest Road to Audubon Drive; and

WHEREAS, the purpose of the project is to improve pedestrian accessibility, improve pedestrian safety, and improve roadway safety; and

WHEREAS, a resolution of support from the local governing body is required to be submitted with the application.

NOW THEREFORE, BE IT RESOLVED, that the City Council of the City of Danville, Virginia, does hereby approve and authorize the endorsing of the Smart Scale Application for the construction of Riverside Drive Improvements from Piney Forest Road to Audubon Drive.

APPROVED:

Mayor

ATTEST:

City Clerk

Approved as to
Form and Legal Sufficiency:

City Attorney

PRESENTED: _____

ADOPTED: _____

RESOLUTION NO. 2022-____.____

A RESOLUTION APPROVING AND AUTHORIZING THE ENDORSING OF A SMART SCALE APPLICATION BY THE CITY OF DANVILLE TO THE VIRGINIA DEPARTMENT OF TRANSPORTATION FOR THE PROPOSED CONSTRUCTION OF RIVERSIDE DRIVE IMPROVEMENTS FROM AUDUBON DRIVE TO ARNETT BOULEVARD.

WHEREAS, the Virginia Department of Transportation is accepting applications for Smart Scale funding; and

WHEREAS, the City of Danville desires to submit an application for the construction of Riverside Drive Improvements from Audubon Drive to Arnett Boulevard; and

WHEREAS, the purpose of the project is to improve pedestrian accessibility, improve pedestrian safety, and improve roadway safety; and

WHEREAS, a resolution of support from the local governing body is required to be submitted with the application.

NOW THEREFORE, BE IT RESOLVED, that the City Council of the City of Danville, Virginia, does hereby approve and authorize the endorsing of the Smart Scale Application for the construction of Riverside Drive Improvements from Audubon Drive to Arnett.

APPROVED:

Mayor

ATTEST:

City Clerk

Approved as to
Form and Legal Sufficiency:

City Attorney

PRESENTED: _____

ADOPTED: _____

RESOLUTION NO. 2022-____.____

A RESOLUTION APPROVING AND AUTHORIZING THE ENDORSING OF A SMART SCALE APPLICATION BY THE CITY OF DANVILLE TO THE VIRGINIA DEPARTMENT OF TRANSPORTATION FOR THE PROPOSED CONSTRUCTION OF RIVERSIDE DRIVE IMPROVEMENTS FROM ARNETT BOULEVARD TO MAIN STREET.

WHEREAS, the Virginia Department of Transportation is accepting applications for Smart Scale funding; and

WHEREAS, the City of Danville desires to submit an application for the construction of Riverside Drive Improvements from Arnett Boulevard to Main Street; and

WHEREAS, the purpose of the project is to improve pedestrian accessibility, improve pedestrian safety, and improve roadway safety; and

WHEREAS, a resolution of support from the local governing body is required to be submitted with the application.

NOW THEREFORE, BE IT RESOLVED, that the City Council of the City of Danville, Virginia, does hereby approve and authorize the endorsing of the Smart Scale Application for the construction of Riverside Drive Improvements from Arnett Boulevard to Main Street.

APPROVED:

Mayor

ATTEST:

City Clerk

Approved as to
Form and Legal Sufficiency:

City Attorney

PRESENTED: _____

ADOPTED: _____

RESOLUTION NO. 2022-_____.____

A RESOLUTION APPROVING AND AUTHORIZING THE ENDORSING OF A SMART SCALE APPLICATION BY THE CITY OF DANVILLE TO THE VIRGINIA DEPARTMENT OF TRANSPORTATION FOR THE PROPOSED IMPROVEMENTS ALONG PINEY FOREST ROAD FROM NOR DAN DRIVE TO BEAVERS MILL ROAD.

WHEREAS, the Virginia Department of Transportation is accepting applications for Smart Scale funding; and

WHEREAS, the City of Danville desires to submit an application for the construction of roadway improvements along Piney Forest Road from Nor Dan Drive to Beavers Mill Road; and

WHEREAS, the purpose of the project is to improve roadway safety; and

WHEREAS, a resolution of support from the local governing body is required to be submitted with the application.

NOW THEREFORE, BE IT RESOLVED, that the City Council of the City of Danville, Virginia, does hereby approve and authorize the endorsing of the Smart Scale Application for the construction of roadway improvements along Piney Forest Road from Nor Dan Drive to Beavers Mill Road.

APPROVED:

Mayor

ATTEST:

City Clerk

Approved as to
Form and Legal Sufficiency:

City Attorney

PRESENTED: _____

ADOPTED: _____

RESOLUTION NO. 2022-____.____

A RESOLUTION APPROVING AND AUTHORIZING THE ENDORSING OF A SMART SCALE APPLICATION BY THE DANVILLE METROPOLITAN PLANNING ORGANIZATION TO THE VIRGINIA DEPARTMENT OF TRANSPORTATION FOR THE PROPOSED CONSTRUCTION OF PIEDMONT DRIVE PEDESTRIAN ACCOMMODATIONS.

WHEREAS, the Virginia Department of Transportation is accepting applications for Smart Scale funding; and

WHEREAS, the Danville Metropolitan Planning Organization desires to submit an application for the construction of pedestrian improvements along Piedmont Drive and other adjacent roadways; and

WHEREAS, the purpose of the project is to improve pedestrian accessibility and improve pedestrian safety; and

WHEREAS, a resolution of support from the local governing body is required to be submitted with the application.

NOW THEREFORE, BE IT RESOLVED, that the City Council of the City of Danville, Virginia, does hereby approve and authorize the endorsing of the Smart Scale Application for the construction of improvements along Piedmont Drive, and other adjacent roadways, to improve pedestrian accessibility.

APPROVED:

Mayor

ATTEST:

City Clerk

Approved as to
Form and Legal Sufficiency:

City Attorney

PRESENTED: _____

ADOPTED: _____

RESOLUTION NO. 2022-____.____

A RESOLUTION APPROVING AND AUTHORIZING THE ENDORSING OF A SMART SCALE APPLICATION BY THE DANVILLE METROPOLITAN PLANNING ORGANIZATION TO THE VIRGINIA DEPARTMENT OF TRANSPORTATION FOR THE PROPOSED CONSTRUCTION OF A CONNECTOR ROAD EXPANSION AT BERRY HILL MEGASITE.

WHEREAS, the Virginia Department of Transportation is accepting applications for Smart Scale funding; and

WHEREAS, the Danville Metropolitan Planning Organization desires to submit an application for the construction of an expansion of the connector road between Berry Hill Road and the Danville Expressway; and

WHEREAS, the purpose of the project is to add capacity to the connector road and to improve the interchange at the Danville Expressway; and

WHEREAS, a resolution of support from the local governing body is desired to be submitted with the application.

NOW THEREFORE, BE IT RESOLVED, that the City Council of the City of Danville, Virginia, does hereby approve and authorize the endorsing of the Smart Scale Application for the construction of an expansion of the connector road between Berry Hill Road and the Danville Expressway.

APPROVED:

Mayor

ATTEST:

City Clerk

Approved as to
Form and Legal Sufficiency:

City Attorney

Council Letter

City of Danville, Virginia



CL-2806

New Business C.

City Council Regular Meeting

Meeting Date: 07/19/2022

Subject: Project Imagine - Sports Based Youth Development Grant

From: Henrietta Weaver, Budget Director

COUNCIL ACTION

First Reading: 07/19/2022

Final Adoption: 08/02/2022

SUMMARY

The City has been awarded a grant from the Department of Criminal Justice Services through the Virginia Community-Based Gun Violence Prevention Program using ARP funds. The \$150,000 grant will fund the City of Danville's Project Imagine – Sports Based Youth Development program. The grant covers expenditures from July 1, 2022 through June 30, 2024.

BACKGROUND

The Sport Based Youth Development program is an expansion of Project Imagine, which is an evidence-based Community Violence Intervention Collaborative model that has been identified by the Urban Institute as a national model. The expansion would consist of using athletic activities, supplemented by workforce apprenticeships, to assist gang-affiliated youth in decreasing community violence. Research has shown that recreational services and activities are a key component to providing linkages between gang involved youth and intervention workers. We realize that not everyone will desire to be involved in athletics, so the program will serve 20 youth a year. The youth that are participating in Project Imagine would have the option of choosing an athletic activity that would best meet their needs. Currently, Project Imagine is collaborating with the River City Dream semi-pro basketball team to form a league of 25 youth (gang and non-gang) which was made possible through community volunteers. The success of the 8-week basketball league produced the following outcomes: 90% of youth improved their grades, 83% of the youth improved their school attendance, there were no new charges that occurred by the youth participating in the league, and 100% of the youth on probation complied. We also collaborate with the Danville Otterbots, a minor league baseball team, who will provide jobs and athletic opportunities. There are also collaborations with boxing, track and field, baseball training, and cheerleading teams. The Sports Based Youth Development program is currently being supplemented with a barber, cosmetology, and sports official apprenticeship which will allow the youth to learn a skill to supplement their athletic activities.

RECOMMENDATION

It is recommended that City Council adopt the attached ordinance Amending the Fiscal Year 2023 Budget Appropriation Ordinance by increasing revenue to anticipate the receipt of grant funds from the Department of Criminal Justice Services to support the Project Imagine – Sports Based Youth Development Program.

Attachments
ORDINANCE

RESENTED: _____

ADOPTED: _____

ORDINANCE NO. 2022-_____._____

AN ORDINANCE AMENDING THE FISCAL YEAR 2023 BUDGET APPROPRIATION ORDINANCE BY INCREASING REVENUE FOR A DEPARTMENT OF CRIMINAL JUSTICE SERVICES GRANT TO SUPPORT THE PROJECT IMAGINE SPORTS BASED YOUTH DEVELOPMENT PROGRAM IN THE AMOUNT OF \$150,000.

WHEREAS, the City of Danville, has received an award from the Department of Criminal Justice Services (DCJS) under the Coronavirus State and Local Fiscal Recovery Funds (SLFRF) Program for the City's Project Imagine – Sports Based Youth Development Program in the amount of \$150,000; and

WHEREAS, the funding for this grant covers two fiscal years and will be used for temporary staffing, travel, training, and related expenditures of the Program; and

WHEREAS, the grant will cover expenditures from July 1, 2022 through June 30, 2024.

NOW THEREFORE, BE IT ORDAINED, by the Council of the City of Danville, Virginia that the Fiscal Year 2023 Budget Appropriation Ordinance be, and the same is hereby, amended by increasing revenue and appropriating the same in the Special Grants Fund as follows:

ANTICIPATED REVENUE

<u>Description</u>	<u>Account No.</u>	<u>Amount</u>
ARP Project Imagine Sports Based Youth Development		
Federal Aid CARES/ARP	61780000-48060	<u>\$ 150,000</u>

ANTICIPATED EXPENDITURES

<u>Description</u>	<u>Account No.</u>	<u>Amount</u>
ARP Project Imagine Sports Based Youth Development		
Temp Services	61780000-52190	\$ 18,720
Outside Purchased Services	61780000-52349	107,239
Telephone – Cell	61780000-54200	1,200
Travel/Training	61780000-54900	18,241
Materials & Supplies	61780000-55930	4,600
		<u>\$ 150,000</u>

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

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

APPROVED:

Mayor

ATTEST:

City Clerk

Approved as to
Form and Legal Sufficiency:

City Attorney