



DANVILLE CITY COUNCIL REGULAR MEETING AGENDA

MUNICIPAL BUILDING

July 5, 2022

7:00 P.M.

PRESIDING: Alonzo L. Jones, Mayor

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

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

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

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

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

Time and Place of Meeting

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

Communications from Visitors

Communication from Visitors is an opportunity for citizens to address Council on matters not on the agenda. Citizens who desire to speak on matters not listed on the agenda or on matters which do not have a public hearing, will be heard at this time. Citizens who desire to speak on agenda items that have a public hearing will be heard when the agenda item is considered and the public hearing is opened. 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 - L.G. "Larry" Campbell, Jr.

PLEDGE OF ALLEGIANCE TO THE FLAG

COMMUNICATIONS FROM VISITORS

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

CONSENT AGENDA

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

- A. Public Hearing
- B. Consideration of Approval of Minutes from Regular Council Meeting held on June 7, 2022.
Council Letter Number CL - 2801.
- C. Consideration of Amending the Fiscal Year 2022 Budget Appropriation Ordinance for a Grant from the Danville Regional Foundation in the Amount of \$979,690.
Council Letter Number CL - 2780.

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 Same.

FINAL ADOPTION

- D. 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.
Council Letter Number CL - 2781.

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

Same.

FINAL ADOPTION

- E. Consideration of Amending the Fiscal Year 2022 Budget Appropriation Ordinance for Funds from the Virginia Tourism Corporation in the Amount of \$210,000.
Council Letter Number CL - 2782.

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 and \$110,000 Respectively for a Total of \$210,000 and Appropriating Same.
FINAL ADOPTION

OLD BUSINESS

- A. Consideration of Fee Increases Effective July 6, 2022.
Council Letter Number CL - 2777.

An Ordinance Amending and Establishing Certain Rental Fees of the City of Danville Effective July 1, 2022.

FINAL ADOPTION

NEW BUSINESS

- A. Consideration of Amending the Zoning Ordinance of the City of Danville Regarding Outdoor Lighting and Illumination Regulations.
Council Letter Number CL - 2798.

1. Public Hearing
2. An Ordinance Repealing, Replacing, and Reordaining Article 15, Entitled "Outdoor Lighting and Illumination Regulations", of Chapter 41, Entitled "Zoning Ordinance" of the Code of the City of Danville, Virginia, 1986, As Amended.

- B. Consideration of a Special Use Permit at 726 Temple Avenue.
Council Letter Number CL - 2799.

1. Public Hearing
2. An Ordinance Granting Special Use Permit Application PZ22-106, filed by Steven Decker, for a Duplex Residential Dwelling as Allowed by Zoning Code Article 3.E, Entitled "OT-R, Old Town Residential District", Section C., Entitled "Uses by Special Permit", Item 2, at 726 Temple Avenue (Parcel # 24611).

- C. Consideration of Rezoning Property on North Main Street.
Council Letter Number CL - 2800.

1. Public Hearing
2. An Ordinance Approving and Authorizing the Rezoning of a 0.069 Acre Portion of Property on North Main Street (Parcels # 53503 and 60497) from Light Economic Development – Industrial (LED-I) to Highway Retail – Commercial (HR-C).

- D. Consideration of Approving the Mass Transit Equal Employment Opportunity Plan.
Council Letter Number CL - 2791.

A Resolution Authorizing the City Manager to Approve Danville Transit's Equal Employment Opportunity Plan.

- E. Consideration of a Moral Obligation for White Mill Development.
Council Letter Number CL - 2792.

A Resolution Approving and Authorizing the Execution of a Moral Obligation Agreement By and Between the City of Danville, Virginia and American National Bank and Trust Company.

- F. Consideration of Authorizing Removal of the Long Mill Dam.
Council Letter Number CL - 2401.

A Resolution Authorizing Removal of the Long Mill Dam Located on the Dan River Adjacent to the YMCA.

- G. 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

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-2801

Consent Agenda B.

City Council Regular Meeting

Meeting Date: 07/05/2022

Subject: Consideration of Approval of Meeting Minutes

From: Susan M. DeMasi, City Clerk

COUNCIL ACTION

Business Meeting: 07/05/2022

SUMMARY

Consideration of Approval of Minutes from Regular Council Meeting held on June 7, 2022.

Council Letter Number CL - 2801.

Attachments

Meeting Minutes

June 7, 2022

The First Regular June meeting of the Danville City Council was held on June 7, 2022, at 7:00 p.m. in the Council Chambers located on the Fourth Floor of the Municipal Building. The following Council Members were present: James B. Buckner, L.G. "Larry" Campbell Jr., Bryant Hood, Mayor Alonzo L. Jones, Barry Mayo, Dr. Gary P. Miller, Sherman M. Saunders, J. Lee Vogler, Jr., and Madison J.R. Whittle (9). *Mr. Whittle entered the meeting at 7:04 p.m.*

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

Mayor Jones presided.

INVOCATION AND PLEDGE OF ALLEGIANCE

Vice Mayor Miller gave the Invocation followed by the Pledge of Allegiance.

ANNOUNCEMENTS AND SPECIAL PRESENTATIONS

Mayor Jones welcomed everyone and asked Mr. John Kent to come give his presentation for SOVAH Health.

John Kent, Chief Operating Officer of SOVAH Health reviewed the Community Health update, noting it was posted on their website as well. He stated he would like to touch on some of the current and upcoming community challenges facing SOVAH's journey to become Danville's reliable health care provider. The impact of the hospital was both direct and indirect within the community. Jobs and payroll were a direct economic impact of 1,050 people buying goods and services in and around their hometown. The other impact was new medical providers brought to the Danville community, seventeen in 2021. Their program has become a highly competitive and regarded institution within graduate medical education, receiving the highest national level of accreditation from the American College of Graduate Medical Education; this year they received a three-year survey approval. Out of the fourteen graduates this year, six were staying in the community, as hospital staff providing care in the inpatient setting, joining their residency staff and working in clinics here in the River District.

Mr. Kent noted he also wanted to highlight additional investments being made, with capital investments for 2021 of \$5M in capital projects for the hospital in Danville. This included things like their chiller replacement and LED lighting programs, both of which will reduce their dependence on energy and the amount of energy they use. They have replaced their nuclear medicine camera in the laparoscopic surgery suite, cardiac cath and stress testing systems and equipment, and other small clinical items, to make sure they stay on the front edge of providing high quality care. The hospital provided over \$25M in care that was either charity or uncompensated, essentially care for the community who either did have the means or full financial capacity to be able to provide that care for themselves. The combined \$40M impact summary includes \$15M in taxes paid by the hospital, a significant economic driver. Mr. Kent noted they were most proud of their leadership within the community; they have spent a lot of time working on diversity, equity, and inclusion both within staff and across the community. This was reflected on their board of trustees who, every single time they roll over the board, looks more like the community; they want to make sure they represent citizens from all perspectives and all voices. Some of their sponsorships and donations include Big Brothers and Big Sisters, Boys and Girls Club, and other organizations.

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Mr. Kent stated one of the top challenges they were very concerned about was opioid misuse and abuse. Opioid addiction was widespread across the country, and this region was no exception. They were working actively to address these issues through prevention, education, and community outreach. Mr. Kent noted in terms of challenges, he knows they were going to face critical staffing restraints; every business in the City has these types of constraints. National labor trends were felt very sharply though the health care industry. SOVAH Health, like many other hospitals, was leveraging staffing strategies ranging from specialty pay rates for staff, to traveling labor services and everything in between.

Mr. Kent noted the last thing he wanted to do was provide a small update regarding their Emergency Department Renovation, explaining that renovation was definitely going to cause some challenges within the organization and the community. They were conceptually approved for a major \$50M renovation; that project will create some disruption and their team was working hard to make sure they have a plan to deal with those ahead of time. They have heard from Council and others about concerns related to the quality of care provided by the hospital; they were committed to providing high quality, compassionate care to each and every patient they see. Mr. Kent discussed the rating agencies they follow noting their low ratings were not acceptable, they will not rest and will not be satisfied until they improved their ratings. The Joint Commission, which was the National Accrediting body for hospital services and health care across the country, gave the hospital a full accreditation in their recent three-year survey. In addition to that, they have accredited the hospital as an advanced primary stroke center and have also certified the clinical laboratory. Also, the cardiovascular program was accredited by the National College of Cardiology in heart failure, chest pain, and cath lab. Dr. Miller was a big part of why the program was so successful. In addition to that, they were Commission of Cancer accredited.

Mr. Kent thanked Council for the opportunity to provide this brief update on some of the things they were working on. Mayor Jones thanked Mr. Kent for his update and for being here, and recognized other hospital employees present.

Council Member Saunders thanked Mr. Kent for tonight's presentation. Danville City Council had three priorities and one of them was growing Danville; because Danville was growing, that may increase the need for healthcare. Mr. Kent spoke a little about personnel, and said it was a national issue. How can City Council and the City of Danville itself help them and the hospital meet the need of shortages; in keeping with that, what was the waiting room time, it seems to be a little longer from what he hears from other people. Mr. Kent explained that in terms of how Council can help them, he believes they do the things that were needed to help. A big challenge that they have was \$25M in uncompensated care or under compensated care. With regard to waiting times, one of the challenges they have, and they work with community partners on this, like the Danville Life Saving Crew, was that they need to get people to seek care at the appropriate places; many things that people come to the emergency room for were simply not emergencies. Their care can be provided much more effectively in a different health care setting. Mr. Saunders asked what Mr. Kent's recommendation was for people who know there was a shortage of health care providers across the country, what should people do other than try to stay healthy to stay out of the hospital and Mr. Kent stated that he would suggest if they truly have an emergency care need, do not put it off, do not hesitate, come and be seen. They have seen a lot of people who let their chronic health care issues deteriorate significantly; by the time they do get to SOVAH it was much more difficult to bring them back to health.

Vice Mayor Miller stated about a year and a half ago Mr. Kent was instrumental along with Tommy Bennett, PATHS, and others with the COVID clinics for vaccinations when they first came out. Mr. Kent was there for just about every clinic they had, and Dr. Miller commended him for that.

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Dr. Miller noted Mr. Kent had touched on the ER which they heard months ago from Mr. Larson that the renovations would start soon but they have not seen anything started yet; did he have a timeline of when those renovations will start. Mr. Kent noted that there was not a timeline and there was a two-part process to get a preliminary approval, which was get a budget; that brought in the contractor and allowed them to establish a more firm and final budget. That work was completed at the end of last week, submitted to leadership at LifePoint, and the number came back higher than what it had been previously budgeted for. The new number and plan that had been submitted by the contractor was being reviewed by leadership. They were going to have to wait and see what decisions get made based off that.

Dr. Miller stated his next question was about diversion and staffing. There was backup in the ER, ambulances were piling up unable to leave, the Fire Department was having to pitch in for the rescue squad and some were taking care of patients in the ER. Mr. Kent explained he knows some of their competitors like Moses Cone were offering salaries that were astronomical for nurses and it was hard to compete with that; they have lost several ER nurses to Moses Cone. What they were trying to do was be as fair and comparable as they can be and do the best they can to take care of their staff so they will want to stay and work here. The majority of what they do right now was to work on human resource related issues across the board, not just nurses but physicians, respiratory therapist, ultrasound technicians, radiologist, lab people, and the whole market for employees. There was no single answer.

Council Member Campbell thanked Mr. Kent for his presentation tonight, he appreciated his transparency, and noted he has dealt with the good things, the tax revenue given back to the City, and their employment numbers were high for those they have hired within the community. One of his concerns was how to deal with the negativism of this community. At the last Council meeting, a man was talking negatively about the hospital, and they cannot just walk away from that. Reverend Campbell asked Mr. Kent to elaborate more on how they can be positive about Danville and the hospital, and Mr. Kent agreed that there were a lot of negative attitudes towards the hospital and that negative attitudes were faced every day about one thing or another. The point of his presentation tonight was to make sure they don't gloss over the fact that there were some reasons to be very proud of the hospital. They have some very dedicated professionals within the organization at all levels. They have got to do a better job getting people to step up and talk about the good things, not just the bad things. They have some awesome communication people who were working on some strategies to try to make sure they put the good things out in front of people.

Council Member Buckner thanked Mr. Kent for being here, he wanted to take one second and say "thank you" to Mr. Kent and his staff for the things they do for the community. Mr. Buckner stated he lost his mother, she was at the hospital, and the care and compassion the staff showed to his mother, family, sister, and brother, all of them there at that time, they will forever be thankful. Following up what Reverend Campbell said, they have to get the negative stigma the hospital has to something positive; it has to start with each one of them to be champions for the City, local businesses, and for the hospital. Mr. Buckner thanked SOVAH for their \$82,340,422.00 in payroll that comes to the community every single year, for trying to reduce their carbon footprint by LED lighting in the hospital, and for energy savings that that helps all of them.

Council Member Saunders stated that he too would like to thank Mr. Kent. He has also been a patient in the hospital and knows it very well. Their staff were neighbors, friends, and they were family. This was a great community and hoped they can find some way to get a copy of this meeting tonight and show it to LifePoint. LifePoint made a commitment to change things in Danville and they did; they need to know that Council appreciates the work that they do. Council

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Member Mayo stated he also wanted to thank Mr. Kent, coming and sharing what SOVAH was doing. Mr. Mayo noted he deals with people who have intellectual disabilities, and has a residential service. One of his clients came to the hospital and he was under their care; he took a turn but the staff got on board, he was doing well today and wanted to thank Mr. Kent and his staff. Council Member Vogler thanked Mr. Kent for coming and presenting tonight. Like Council Member Buckner, his wife was in health care and he knows the hard work it was for each and everyone, especially in the last few years. Mr. Vogler noted he cannot thank those employees enough for what they do. For a community this size they can't truly thrive as a City without a strong thriving hospital and without a strong thriving school system. Council was looking forward to the improvements and brighter days for both of those.

Mr. Kent thanked Council for their time.

Proclamation: Pride Month
Presented to: Maureen Belko

Ms. Belko thanked members of Council and Mayor Jones for supporting diversity in the community. She stated Collidescope regularly hears testimony from people deciding to stay in Danville, move back, or move here for the first time after they see the LGBTQ+ community has a supported presence. This year they would like to recognize their very first ally, Ballard Brewery. Austin Bunn, business manager, was here to accept the proclamation with them. Ballard has been home to their yearly pride parties since 2018 but they continue to take that further every chance they get. Ballard annually brews the award-winning Love Wins Wheat which was successfully distributed statewide and supports Collidescope VA. They regularly host inclusive events like their bi-monthly drag shows and this year's pride party on Saturday, June 25. They were very excited, with help from the Dan River nonprofit network, their yearly party which was previously contained to the very large tap room of Ballard will be forced to spill out onto a closed Calhoun Street for their first ever Ally Alley of supportive nonprofits. Ballard has truly set an important example of what it means to be an ally and they were so grateful for everything they do. Ms. Belko encouraged citizens to follow Collidescope Danville VA on Facebook and Instagram for all of their upcoming events. Mayor Jones recognized Austin Bunn and thanked him for all he is doing and has done.

Mayor Jones asked the Westover Christian Academy Champions to come forward. Council Member Hood noted that Council wanted to not only acknowledge but to congratulate them all on having their first basketball championship, the 2022 State Champions of Westover Christian Academy. Coach Jim Barbour introduced himself, Assistant Coach Patterson, and Josh Lewis who was named the State Champion MVP and First Team All-State. He stated that Josh was not only a great player, but a great kid; he was just elected student body president for next school year. Josh thanked coach Barbour and Patterson for working with him and getting him ready for this season. He stated that they would win it again next season and will be back here next year. Mayor Jones asked Josh's family members to please stand and be recognized. Council Member Vogler noted he was a graduate of Westover Christian Academy, he was very proud of Westover, he did want to see them win again next year, and congratulations. Coach Barbour thanked Mayor Jones for bringing the tournament back because that helped them get ready and win this one.

MEETING MINUTES

Upon **Motion** by Council Member Buckner and **second** by Council Member Campbell, Minutes from the Regular Council Meeting held on May 3, 2022, were approved as presented. Draft copies of the minutes had been distributed prior to the meeting.

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OLD BUSINESS

CONSIDERATION OF MAINTAINING THE CURRENT REAL ESTATE TAX RATE OF \$0.84 ON EVERY ONE-HUNDRED DOLLARS (\$100.00) OF ASSESSED VALUE

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

ORDINANCE NO. 2022-05.09

An Ordinance Affirming the Real Estate Tax Rate of \$0.84 on Every One Hundred Dollars (\$100.00) of Assessed Value.

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

Vice Mayor Miller noted Council hears the City's rates were higher than Pittsylvania County or Henry County, but the City provided more services than the County, so the City's rates, which were not increasing, were among the lowest in the state. Council Member Whittle noted that if a citizen's assessment goes up, then their taxes go up, and asked City Manager Ken Larking to please explain that. Mr. Larking noted every two years the City reappraises parcels in the City. On average there is a 3% increase, but it was individualized. Mr. Larking noted that property owners want to see the value of their property increase because it was a positive thing. For a long time, residential property in the City of Danville was depressed due to population decline.

Council Member Campbell noted that if he was not mistaken the tax appraisal was at 100%, and Mr. Larking stated he did not believe the tax appraisal was complete yet. Director of Finance Michael Adkins stated that the appraisal had to be completed by June 30 and as of last Friday out of the 25,000 parcels in the City, they had examined about 24,000.

Council Member Vogler stated he wanted to reiterate to everyone that the tax rate was not changing, this was not a tax increase of any kind; the assessments on homes may be better. If a citizen was elderly or permanently disabled and their income was \$35,000 or less, citizens were eligible for tax relief.

Council Member Whittle asked if he could make a **Motion** to reduce the tax from \$0.84 to \$0.80 per hundred. City Attorney Clarke Whitfield noted that would be a Substitute Motion and would require a second and to be voted on. Mayor Jones asked if there was a second, and Council Member Campbell **seconded** the motion; Mayor Jones asked for discussion on the motion.

Vice Mayor Miller noted the rate was cut down to \$0.80 a few years ago, the economy flattened, and it had to be raised back up; it was harder to raise that rate than to lower it. The City has big plans and were trying to invest the money back into Danville with parks, renovating streets, lights, and places that have not received improvements. Slashing the rate was the worst thing Council could do if they want to grow Danville. Council Member Vogler noted this has been on the agenda for months and was the first time it was being heard about, moments before it was being voted on.

Council Member Buckner asked Mr. Adkins what impact that would have on the budget, and Mr. Adkins explained that historically each \$0.01 of real estate tax roughly equals between \$220,000 and \$250,000 worth of revenue; a \$0.04 reduction would be about \$1M out of the budget. Council Member Campbell noted that he agreed with Council Member Vogler that it should be discussed next year but also thinks it was worth discussing now with extra funds in reserves and funding

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from Caesar's coming in. Council Member Vogler noted that he would have loved to have had this discussion months ago but not two minutes before the vote. This country might be heading for another recession, the City relies on these tax revenues; currently, the City was doing great if they cut if four cents now, and a year from now there was a national recession, they will be right back where they were ten to twelve years ago when the City was at rock bottom and they were trying to figure out how to balance a budget every year.

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

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

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

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

APPOINTMENTS

Vice Mayor Miller **moved** to approve the following Appointment Resolutions, with the exception of #5 which will be voted on separately:

Resolution No. 2022-06.01- A Resolution Reappointing Fred O. Shanks, III to the Airport Commission.

Resolution No. 2022-06.02 - A Resolution Reappointing Michael Duncan to the Airport Commission.

Resolution No. 2022-06.03 - A Resolution Reappointing Eugene Jackson to the Airport Commission.

Resolution No. 2022-06.04 - A Resolution Reappointing Bryant Hood to the Dan River Business Development Center.

Resolution No. 2022-06.06 - A Resolution Reappointing Tammy Warren to the Danville Community Policy & Management Team.

Resolution No. 2022-06.07 - A Resolution Appointing Jerome Holman to the Danville Community Policy & Management Team.

Resolution No. 2022-06.08 - A Resolution Reappointing Ralph Price to the Danville Development Council.

Resolution No. 2022-06.09 - A Resolution Reappointing Philip Hall to the Danville Development Council.

Resolution No. 2022-06.10 - A Resolution Reappointing Bryant Hood to the Danville Development Council.

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Resolution No. 2022-06.11 - A Resolution Reappointing Mike Mondul to the Danville Pittsylvania Community Services Board.

Resolution No. 2022-06.12 - A Resolution Appointing Lori Eanes-Brooks to the Danville Pittsylvania Community Services Board.

Resolution No. 2022-06.13 - A Resolution Appointing Adrian Watlington to the Danville Pittsylvania Community Services Board.

Resolution No. 2022-06.14 - A Resolution Reappointing Sheila Williamson-Branch to the Danville Utility Commission.

Resolution No. 2022-06.15 - A Resolution Appointing Mary Williamson to the Danville Utility Commission.

Resolution No. 2022-06.16 - A Resolution Appointing Gary P. Miller to the West Piedmont Planning District Commission to fill an unexpired term.

Resolution No. 2022-06.17 - A Resolution Appointing Gary P. Miller to the Metropolitan Planning Organization to fill an unexpired term.

Resolution No. 2022-06.18 - A Resolution Reappointing Qonell Totten to the Social Services Advisory Board.

Resolution No. 2022-06.19 - A Resolution Reappointing Venee Mayo to the Social Services Advisory Board.

Resolution No. 2022-06.20 - A Resolution Appointing Andrea Burney to the Social Services Advisory Board.

Resolution No. 2022-06.21 - A Resolution Reappointing Anna Kautzman to the Transportation Advisory Board.

Resolution No. 2022-06.22 - A Resolution Appointing Christopher Franks to the Transportation Advisory Board.

Resolution No. 2022-06.23 - A Resolution Reappointing Ken Gillie to the WPPDC-Technical Advisory Rural Transportation Board.

Resolution No. 2022-06.24 - A Resolution Reappointing Christopher Franks to the WPPDC-Technical Advisory Rural Transportation Board.

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

Vice Mayor Miller **moved** to approve all the following Appointment Resolution:

June 7, 2022

Resolution No. 2022-06.05 - A Resolution Appointing Ernestine Payne to the Danville Community College Board to fill an Unexpired Term.

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

VOTE: 7-0-2
AYE: Buckner, Campbell, Hood, Miller,
Saunders, Vogler and Whittle (7)
NAY: None
ABSTAIN: Jones, Mayo (2)

I, Barry Mayo, do hereby state that I have a conflict of interest regarding the Consideration of a Resolution appointing Ernestine Payne as a member of the Danville Community College Board to fill an unexpired term, listed on the agenda under Appointments Agent Item A.5. 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 7th day of June, 2022.

s/Barry Mayo

I, Alonzo L. Jones, do hereby state that I have a conflict of interest regarding the 9Consideration of a Resolution appointing Ernestine Payne as a member of the Danville Community College Board to fill an unexpired term, listed on the agenda under Appointments Agent Item A.5. 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 7th day of June, 2022.

s/Alonzo L. Jones

NEW BUSINESS

CONSIDERATION OF AMENDING THE ZONING ORDINANCE ESTABLISHING DWELLING UNIT QUALITY STANDARDS

Mayor Jones opened the floor for a Public Hearing regarding Amending the Zoning Ordinance. Notice of the Public Hearing was published in the *Danville Register & Bee* on May 24, 2022 and May 31, 2022.

Mayor Jones recognized Gus Dyer of 165 Canterbury Road who spoke to Council about concerns regarding the zoning ordinance for the size definition of units. He showed Council a 700 sq ft dwelling he designed for his sister and noted it was 656 sq ft.; under the proposal tonight, that dwelling would not be allowed in Danville, because under the proposal, a two bedroom unit would have to be a minimum of 850 sq ft. He asked Council to consider the proposal more carefully. No one further desired to be heard and the Public Hearing was closed.

Council Member Campbell **moved** to **TABLE** this Ordinance and take it to work session, an Ordinance entitled:

ORDINANCE NO. 2022-06.01

June 7, 2022

AN ORDINANCE AMENDING AND REORDAINING ARTICLE 2., ENTITLED "GENERAL REGULATIONS OF "CHAPTER 41, ENTITLED "ZONING ORDINANCE" OF THE CODE OF THE CITY OF DANVILLE, VIRGINIA BY ADDING A NEW SECTION 2. BB, ENTITLED "DWELLING UNIT QUALITY STANDARDS".

The motion was **seconded** by Council Member Vogler.

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

CONSIDERATION OF AMENDING THE ZONING ORDINANCE ESTABLISHING A SECTION ON URBAN AGRICULTURE STANDARDS

Mayor Jones opened the floor for a Public Hearing regarding Amending the Zoning Ordinance. Notice of the Public Hearing was published in the *Danville Register & Bee* on May 24, 2022 and May 31, 2022. 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. 2022-06.02

AN ORDINANCE AMENDING AND REORDAINING ARTICLE 2., ENTITLED "GENERAL REGULATIONS", OF CHAPTER 41, ENTITLED "ZONING ORDINANCE" OF THE CODE OF THE CITY OF DANVILLE, VIRGINIA BY ADDING A NEW SECTION 2.CC, ENTITLED "URBAN AGRICULTURE" AND REPEALING THE DEFINITION FOR URBAN AGRICULTURE IN ARTICLE 15

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

Vice Mayor Miller asked what the penalty was for exceeding the number of chickens, and Division Director of Planning Doug Plachcinski explained that zoning infractions were now civil complaints so staff would work with them to try to reduce the number of chickens. If they refuse, then the City can file a civil complaint with the courts. Vice Mayor Miller asked about a maximum number of dogs, and Mr. Plachcinski noted that the City does not currently have a limit on the number of dogs a person can own, or any other domesticated animals.

Council Member Whittle asked what has been changed from the way it written, and Mr. Plachcinski noted that it lessened the distance requirements and took away the requirement to have a special use permit.

Vice Mayor Miller noted that he thought citizens had to have a kennel license if they had more than five or six dogs or cats, and Mr. Plachcinski noted that has been researched thoroughly in the past week and the City does not have that policy. Mr. Whitfield noted that the City looked into that several years ago and Council was not inclined to put a limit on domesticated animals.

The **Motion** was carried the following vote.

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

June 7, 2022

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

CONSIDERATION OF A SPECIAL USE PERMIT AT 900 S MAIN STREET

Mayor Jones opened the floor for a Public Hearing regarding a Special Use Permit at 900 S. Main Street. Notice of the Public Hearing was published in the *Danville Register & Bee* on May 24, 2022 and May 31, 2022.

Mayor Jones recognized Ferrell Carter who spoke for the applicant, Mr. Ali, stating the special use permit was for skilled gaming at that location. No one further desired to be heard and the Public Hearing was closed.

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

ORDINANCE NO. 2022-06.03

AN ORDINANCE GRANTING SPECIAL USE PERMIT APPLICATION PZ22-71, FILED BY GANZAFARI ALI FOR USMAN ENTERPRISES INC., REQUESTING A SPECIAL USE PERMIT FOR A COMMERCIAL RECREATION FACILITY ACCORDING TO ARTICLE 3.M. SECTION C.4. OF THE DANVILLE ZONING ORDINANCE AT 900 S. MAIN STREET (PARCEL ID#22494).

The motion was **seconded** by Council Member Whittle.

Vice Mayor Miller stated that courts have put this off until November and Mr. Whitfield explained that currently under Virginia law, skilled games were still being defined as illegal gambling. There was currently an injunction in place that states police officers cannot criminally charge someone for illegal gambling on skill machines if that establishment was approved by the ABC board prior to July 1, 2021. There was additional legislation that may go into effect in July to clarify some things regarding the case in Greenville County. As far as the City office was concerned the actual playing of the games was illegal gambling.

Mayor Jones noted there was a motion on the floor to vote but if that fails, what happened, and Mr. Whitfield noted that if the motion fails, they will not be issued a special use permit, and if the motion was tabled, they would not be able to operate unless Council grants them permission at a later date.

Council Member Vogler noted there were three options in the agenda packet. Option 1 was to deny the permit. In the agenda packet it states that if Ma Hollins continues to operate skill gaming machines the City will bring a civil case against them for zoning violations. Option 2 was to approve the Planning Commission's suggestion to allow Ma Hollins to operate commercial recreation within the eleven conditions the Planning Commission recommended through the end of 2022. Previously there were no conditions. Option 3 was to remand the request back to the Planning Commission, which means they can keep operating until the state decides what to do. Mr. Plachcinski noted that Council Member Vogler was correct.

Council Member Vogler noted that it would be better to approve the permit and let them operate with some guidelines than to deny it and end up having to file a civil complaint. Mr. Plachcinski noted that the owner would cease to operate if denied. He also noted that the owner was only able to apply for this special use permit because he applied for it before the City changed the guidelines to limit skilled gaming machines to industrial areas only.

June 7, 2022

Vice Mayor Miller asked if these were new machines because they had six machines before and Mr. Plachcinski noted that Ma Hollins was authorized by ABC to have six machines when the state legalized them for one year. Mr. Larking stated that ABC may have approved them, but City approval was never obtained to operate. Vice Mayor Miller asked what staff recommended. Mr. Larking stated that his direction to staff has always been that these machines were illegal; they should do everything they can to prevent their operation. Mr. Larking noted there was merit to the three options. If the request was denied the City had to rely on the business owner to cease operation. Vice Mayor Miller asked if those operating were paying taxes to the City, and Mr. Larking noted the City has received some revenue for the skilled gaming machines. That money goes through the Commissioner of Revenues' office; it was his understanding that not all comply.

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

VOTE: 3-6
AYE: Campbell, Vogler and Whittle (9)
NAY: Buckner, Hood, Jones, Mayo Miller, Saunders

CONSIDERATION OF APPROVAL OF AN APPLICATION TO THE VIRGINIA DEPARTMENT OF RAIL AND PUBLIC TRANSPORTATION FOR MASS TRANSIT FUNDING

Mayor Jones opened the floor for a Public Hearing regarding Mass Transit Funding. Notice of the Public Hearing was published in the *Danville Register & Bee* on May 15, 2022 and May 29, 2022. No one present desired to be heard and the Public Hearing was closed.

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

RESOLUTION NO. 2022-06.25

A RESOLUTION 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 2023.

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

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

City Attorney Clarke Whitfield noted he received some communication this week asking that this item be removed from the Agenda. The Director of Administration of Courts had to approve the City's facilities first and a facility license had to be obtained. Therefore, a motion to remove it from the agenda was needed.

Council Member Vogler **moved to REMOVE** the Resolution:

A RESOLUTION OF THE COUNCIL OF THE CITY OF DANVILLE AUTHORIZING AND APPROVING THE UNITED STATES DISTRICT COURT FOR THE WESTERN DISTRICT OF

June 7, 2022

VIRGINIA, DANVILLE DIVISION, TO CONDUCT HEARINGS AND TRIALS AT THE JAMES F. INGRAM JUSTICE CENTER.

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

CONSIDERATION OF THE BUDGET OF THE CITY OF DANVILLE, THE CAPITAL AND SPECIAL PROJECTS PLAN AND THE BUDGET APPROPRIATION ORDINANCE

Mayor Jones opened the floor for a Public Hearing regarding the City of Danville Budgets. Notice of the Public Hearing was published in the *Danville Register & Bee* on May 27, 2022. No one present desired to be heard and the Public Hearing was closed.

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

Upon **Motion** by Council Member Vogler and **second** by Council Member Buckner, 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.

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

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

Upon **Motion** by Council Member Vogler and **second** by Council Member Buckner, 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.

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

Approving the Budget Appropriation Ordinance for Fiscal Year 2023

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

ORDINANCE NO. 2022-06.04

BUDGET APPROPRIATION ORDINANCE FOR FISCAL YEAR 2023.

June 7, 2022

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

CONSIDERATION OF FEE INCREASES EFFECTIVE JULY 1, 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 May 27, 2022. No one present desired to be heard and the Public Hearing was closed.

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

ORDINANCE NO. 2022-06.05

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 INCREASING THE PERSONAL PROPERTY TAX ON AIRCRAFT

Mayor Jones opened the floor for a Public Hearing regarding Personal Property Tax on Aircraft. Notice of the Public Hearing was published in the *Danville Register & Bee* on May 27, 2022 and June 6, 2022. No one present desired to be heard and the Public Hearing was closed.

Upon **Motion** by Council Member Campbell and **second** by Council Member Mayo, 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

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 BYRNE MEMORIAL JUSTICE ASSISTANCE GRANT IN THE AMOUNT OF \$25,115

Upon **Motion** by Council Member Buckner and **second** by Council Member Mayo, 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.

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

June 7, 2022

CONSIDERATION OF AMENDING THE FISCAL YEAR 2022 BUDGET APPROPRIATION ORDINANCE FOR A RECREATION ENRICHMENT PROGRAM IN THE AMOUNT OF \$249,240.

Upon **Motion** by Council Member Buckner and **second** by Council Member Campbell 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.

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 VICTIM WITNESS GRANT IN THE AMOUNT OF \$177,083.

Upon **Motion** by Council Member Buckner and **second** by Council Member Mayo, 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.

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

COMMUNICATIONS

Mr. Larking introduced Katy Christopherson who has been working as an intern for the City Manager's Office.

Council Member Campbell noted it was an interesting and educational session for everyone tonight. Danville was moving forward and so was Caesar's Entertainment. He had received a lot of phone calls, wanted to remind everyone it was a process and to understand the process so they can move in the right direction.

Council Member Mayo asked to yield his time to some friends in attendance. Tom Fraticelli, Director of Outreach for BrightView spoke about their new facility, history, insurance taken, and hours of operation. Brightview was located at 480 Mount Cross Road. As the patient base was being built, there will be more positions opening. Information can be found at www.brightviewheath.com.

Council Member Vogler thanked BrightView and noted that he had a chance to tour the facility. Council Member Mayo noted that no one was turned away from seeking treatment.

Vice Mayor Miller stated that last year there were over 100,000 overdose deaths in the country. Dr. Miller recognized John Crane for the statewide awards that he had received, and suggested

June 7, 2022

that the City find a better way to advertise events being held at the Carrington Pavilion and downtown. He mentioned the woman in Roanoke that died from going over a dam, and encouraged citizens to get their booster for COVID.

Council Member Saunders noted once again that he hoped LifePoint saw a video of this meeting.

Council Member Vogler noted they attended the Otterbots game, he and Council Member Hood participated in ribbon dancing, and encouraged citizens to go out and attend the games. The James Buckner Food Truck Rodeo was a great event and a lot of fun. He congratulated all the graduates in the City and region, they have some great teachers in the school system and citizens need to continue to support them.

Council Member Whittle noted that Delegate Marshall had sent a notice that the budget was approved and \$4 billion coming back to Virginias in tax relief. He thanked the House, Senate, Danny Marshall, and Governor Glenn Younkin for getting the budget straight.

Council Member Buckner noted the Food Truck Rodeo was one of the best events that he has had, and thanked everyone for coming out and supporting it. This City was about coming together and having a good time. If citizens had a good experience with SOVAH Health please take a moment and write a positive review on Google, and if they had any issues or concerns call the business administration office at 434-799-3700. Congratulations to all the 2022 graduates including his son.

Mayor Jones noted Council would be attending the graduation, thanked Dr. Hairston for sending tickets, and thanked everyone working in the school system. Mayor Jones reminded young people to be careful as graduations take place this weekend and to have a great summer.

Meeting adjourned at 9:08pm.

APPROVED:

MAYOR

ATTEST:

CITY CLERK

Council Letter

City of Danville, Virginia



CL-2780

Consent Agenda C.

City Council Regular Meeting

Meeting Date: 07/05/2022

Subject: Whitewater Channel Grant

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

COUNCIL ACTION

First Reading: 06/21/2022

Final Adoption: 07/05/2022

SUMMARY

As part of the development of the Riverfront area, including the Riverfront Park and the White Mill, the City has performed some preliminary conceptual work to renovate the channel in front of the White Mill into a Whitewater Channel. This funding would take the project from conceptual through engineering, and construction over-site; this funding is not for construction.

BACKGROUND

A whitewater feature was discussed in the original planning of the River Front Park. There were three concepts designed by S20 Designs, who build whitewater parks internationally. The concept of using the canal that runs in front of the White Mill was the overwhelming favorite. The Danville Regional Foundation was an early supporter of this project and committed Design and Engineering funds in the amount of \$979,690. A condition of accepting these funds is to commit to build and cause to be operated a white water feature for 15 years. The City will seek grants and donations to help pay for construction with any remaining costs to be budgeted at a future date.

RECOMMENDATION

Staff recommends that Council approves the attached ordinance appropriating grant funds from the Danville Regional Foundation for design and engineering of the Whitewater Channel.

Attachments

Ordinance

PRESENTED: _____

ADOPTED: _____

ORDINANCE NO. 2022-_____._____

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.

WHEREAS the Danville Regional Foundation (DRF) recognizes the importance of creating a gateway to the city that will spark future economic development and revitalization of the River District, enhance quality of life in the region, increase tourism, promote health, and create a sense of pride and ownership within the district and across the region; and

WHEREAS, DRF is providing a \$979,690 grant to the City of Danville, to be used conduct the design and development phase for a whitewater channel to adjoin Riverfront Park. The Whitewater Channel will be a unique feature that will draw residents and visitors alike for a natural whitewater experience and will utilize the existing canal that runs along the front of the White Mill to create a world-class facility for whitewater kayaking, tubing and other water recreation. In addition to being used for recreation the Whitewater Channel will also be used for River Rescue training and for competition.

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 revenue in the Capital Projects Fund for the receipt of a grant from DRF and appropriating the same as follows:

ANTICIPATED REVENUE

<u>Description</u>	<u>Account No.</u>	<u>Amount</u>
Whitewater Channel Private Gifts and Donations	61769000-43640	<u>\$979,690</u>

ANTICIPATED EXPENDITURES

<u>Description</u>	<u>Account No.</u>	<u>Amount</u>
Whitewater Channel	61769999-50	<u>\$979,690</u>

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:

City Clerk

Approved as to
Form and Legal Sufficiency:

City Attorney

Council Letter

City of Danville, Virginia



CL-2781

Consent Agenda D.

City Council Regular Meeting

Meeting Date: 07/05/2022

Subject: Riverfront Park Grant from Danville Regional Foundation

From: Henrietta Weaver, Accountant

COUNCIL ACTION

First Reading: 06/21/2022

Final Adoption: 07/05/2022

SUMMARY

The Danville Regional Foundation has awarded a grant of \$4,000,000 to the City of Danville's Parks and Recreation Department to be used for the construction of Riverfront Park.

BACKGROUND

For the past several years, the City of Danville Parks and Recreation Department has worked to plan, develop, and construct a high-quality recreation facility on the banks for the Dan River, between the White Mill and the Martin Luther King, Jr. Bridge. This project is intended to be a regional draw to Danville's award-winning River District, and will include iconic elements that will be attractive for people of all ages and abilities.

RECOMMENDATION

It is recommended that City Council adopt the attached ordinance anticipating revenue and appropriating same for the Riverfront Park.

Attachments

Ordinance

PRESENTED: _____

ADOPTED: _____

ORDINANCE NO. 2022-_____._____

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.

WHEREAS, the Danville Regional Foundation (DRF) recognizes the importance of creating a gateway to the city that will spark future economic development and revitalization of the River District, enhance quality of life in the region, increase tourism, promote health and create a sense of pride and ownership within the district and across the region; and

WHEREAS, DRF is providing a \$4,000,000 grant to the City of Danville, to be used to fund the construction of Riverfront Park. The Park will include public art, a main lawn and performance area, state-of-the-art playground structure, terraced seating areas, an observation pier, an extension of the Riverwalk Trail, a built water's edge and a spray pad, and;

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 revenue in the Capital Projects Fund for the receipt of a grant from DRF and appropriating the same as follows:

ANTICIPATED REVENUE

<u>Description</u>	<u>Account No.</u>	<u>Amount</u>
Riverfront Park Private Gifts and Donations	61443000-43640	<u>\$4,000,000</u>

ANTICIPATED EXPENDITURES

<u>Description</u>	<u>Account No.</u>	<u>Amount</u>
Riverfront Park	61443999-50	<u>\$4,000,000</u>

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:

City Clerk

Approved as to
Form and Legal Sufficiency:

City Attorney

Council Letter

City of Danville, Virginia



CL-2782

New Business E.

City Council Regular Meeting

Meeting Date: 07/05/2022

Subject: American Rescue Plan Act Tourism Recovery Program Grant

From: Corrie Bobe, Director of Economic Development

COUNCIL ACTION

First Reading: 06/21/2022

Final Adoption: 07/05/2022

SUMMARY

The Danville Office of Economic Development and Tourism, through its role as the Destination Marketing Organization for Danville and Pittsylvania County, applied for American Rescue Plan Act (ARPA) funding through the Virginia Tourism Corporation to enhance marketing and support of tourism-related businesses impacted by the COVID-19 pandemic. Both localities were approved the maximum allocation (Danville - \$100,000 and Pittsylvania County - \$110,000). The ARPA program will help build the foundation for a newly created and sustainable tourism program that will promote the region as a desirable tourism destination, which will, in turn, increase the tax base for both localities, and instill a sense of community pride with residents. Funding provided through this program will be used toward the development of a marketing and branding strategy, creation of a new tourism website and customer relationship management system, development of a new library of photographs and video content, the design and production of a visitor's guide and regional maps, the creation of a sports tourism strategy, and more.

BACKGROUND

The COVID-19 pandemic has had a continued and devastating impact on Virginia's tourism and hospitality industries. To better support these businesses, and increase travel throughout the Commonwealth, the Virginia Tourism Corporation (VTC) has provided grant funding through its American Rescue Plan Act Tourism Recovery Program to aid in economic recovery. VTC was provided \$50,000,000 to support local Destination Marketing Organizations, as well as enhance statewide marketing and incentive programs. Each locality could apply for a designated amount based on the annual sales tax collected by the Commonwealth. The City of Danville could apply for up to \$100,000 and Pittsylvania County could apply for up to \$110,000.

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 Tourism Corporation to the City of Danville for the purpose of enhancing and implementing our regional tourism strategy to better support businesses located within Danville and Pittsylvania County that were impacted by the COVID-19 pandemic and increase visitor activity throughout the region.

Attachments

Ordinance

PRESENTED: _____

ADOPTED: _____

ORDINANCE 2022-____.

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

WHEREAS, the City of Danville has received grants from the Virginia Tourism Corporation for purpose of enhancing and implementing a regional tourism strategy to better support businesses located within Danville and Pittsylvania County that were impact by the COVID-19 pandemic and increase visitor activity throughout the region.

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 two grants totaling \$210,000 from the Virginia Tourism Corporation (VTC) for the purpose of providing supporting the regional tourism program for Danville and Pittsylvania County through the Danville Office of Economic Development and Tourism. Such revenue and appropriation to be as follows:

ANTICIPATED REVENUES

<u>Description</u>	<u>Account No.</u>	<u>Amount</u>
VTC American Rescue Plan Act Tourism Recovery Program Grant		
City of Danville, VA	61766000-48060	\$100,000
Pittsylvania County, VA	61767000-48060	<u>\$110,000</u>
TOTAL		<u>\$210,000</u>

ANTICIPATED EXPENDITURES

<u>Description</u>	<u>Account No.</u>	<u>Amount</u>
VTC American Rescue Plan Act Tourism Recovery Program Grant		
City of Danville, VA	61766999-50	\$100,000
Pittsylvania County, VA	61767999-50	<u>\$110,000</u>
	TOTAL	<u>\$210,000</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 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:

City Clerk

Approved as to
Form and Legal Sufficiency:

City Attorney

Council Letter

City of Danville, Virginia



CL-2777

Old Business A.

City Council Regular Meeting

Meeting Date: 07/05/2022

Subject: Fee Increases Effective July 6, 2022

From: Henrietta Weaver, Accountant

COUNCIL ACTION

First Reading: 06/21/2022

Final Adoption: 07/05/2022

SUMMARY

The Fiscal Year 2023 City Council Introductory Budget contains recommendations for the following new fees/fee increases:

An increase in hangar rental fees based on unit size; this increase is estimated to provide an additional \$18,880 in revenues.

An increase in the Public Library auditorium rental fee from \$15 per hour to \$25 per hour; this increase is intended to make rental fees comparable to other City rental fees.

Establishment of a Public Library maker space rental fee of \$25 per hour; this is intended to make rental fees comparable to other City rental fees.

A public hearing was held June 21, 2022 for the above proposed rate and fee increases.

RECOMMENDATION

It is recommended that Danville City Council adopt the attached ordinance establishing and increasing fees.

Attachments

Ordinance

PRESENTED: _____

ADOPTED: _____

ORDINANCE NO. 2022-____. ____

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

WHEREAS, the city of Danville charges fees for public use of facilities; and

WHEREAS, these fees are designed to help recoup a portion of the costs of providing use of these facilities not usually shared by all citizens; and

NOW THEREFORE, BE IT ORDAINED, by the Council of the City of Danville, Virginia, that certain facility rental fees, be, and the same are hereby, established and approved in accordance with the two schedules, which are hereto and made a part hereof, as if fully set forth within, as follows:

Schedule 1. Transportation - Airport Fees

Schedule 2. Parks and Recreation - Facility and Program Fees

AND BE IT FURTHER ORDAINED that this Ordinance shall be and become effective on and as of July 1, 2022.

APPROVED:

MAYOR

ATTEST:

CLERK

Approved as to
Form and Legal Sufficiency:

City Attorney

**CITY OF DANVILLE
TRANSPORTATION DEPARTMENT
AIRPORT FEES
EFFECTIVE JULY 1, 2022**

Pursuant to Danville City Code § 2-9, and Danville City Charter § 2-19.

RENTAL FEE	CURRENT	PROPOSED
80' X 80' Clear Span	\$1,040	\$1,248
65' X 60' Clear Span	\$740	\$888
55' X 51' Clear Span	\$300	\$505
T-Hangar (Old)	\$150	\$180
T-Hangar (New)	\$175	\$210
Tie-Down	\$40	\$40

**CITY OF DANVILLE
PARKS AND RECREATION DEPARTMENT
FACILITY AND PROGRAM FEES
*EFFECTIVE JULY 1, 2022***

Pursuant to Danville City Code § 2-9 and § 25-3, and Danville City Charter § 2-19.

FACILITY	CURRENT	PROPOSED
Library Auditorium	\$15 per hour	\$25 per hour
Library Maker Space	\$0 per hour	\$25 per hour

Council Letter

City of Danville, Virginia



CL-2798

New Business A.

City Council Regular Meeting

Meeting Date: 07/05/2022

Subject: Consideration of Zoning Ordinance Amendment Updating Exterior Lighting Standards.

From: Doug Plachcinski, Planning Division Director

COUNCIL ACTION

Business Meeting: 07/05/2022

SUMMARY

Rezoning application PZ22-109, initiated by the Planning Director, updates the exterior lighting standards contained in Chapter 41, Article 11, Exterior Lighting.

BACKGROUND

The current Chapter 41, entitled "Zoning Ordinance" of the Code of the City of Danville, Virginia, regulates outdoor lighting and illumination by lamp output by lamp energy wattage and should regulate outdoor lighting and illumination by foot-candles of light measured on lit surfaces;

RECOMMENDATION

The Planning Commission, at their June 13, 2022 meeting, voted 7-0 to recommend approval of Zoning Ordinance Text Amendment Application PZ22-109.

Attachments

Ordinance

EXHIBIT A

Planning Backup

PRESENTED: _____

ADOPTED: _____

ORDINANCE NO. 2022-____.____

AN ORDINANCE REPEALING, REPLACING, AND REORDAINING ARTICLE 15, ENTITLED "OUTDOOR LIGHTING AND ILLUMINATION REGULATIONS", OF CHAPTER 41, ENTITLED "ZONING ORDINANCE" OF THE CODE OF THE CITY OF DANVILLE, VIRGINIA, 1986, AS AMENDED.

WHEREAS, the current Article 15, entitled "Outdoor Lighting and Illumination Regulations", of Chapter 41, entitled "Zoning Ordinance" of the Code of the City of Danville, Virginia, 1986, as amended, regulates outdoor lighting and illumination by lamp output by lamp energy wattage and should regulate outdoor lighting and illumination by footcandles as they are measured on lighted surfaces.

NOW THEREFORE, BE IT ORDAINED, by the Council of the City of Danville, Virginia, that the current Article 15, entitled "Outdoor Lighting and Illumination Regulations" of Chapter 41, entitled "Zoning Ordinance" of the Code of the City of Danville, Virginia, 1986, be, and is hereby, repealed and replaced with the new Article 15, entitled "Outdoor Lighting and Illumination Regulations", as is attached hereto and made a part hereof, as if fully set forth herein.

APPROVED:

Mayor

ATTEST:

City Clerk

Approved as to
Form and Legal Sufficiency:

City Attorney

EXHIBIT "A"

CHAPTER 41. ZONING ORDINANCE

ARTICLE 11. - OUTDOOR LIGHTING AND ILLUMINATION REGULATIONS

A. Purpose and Intent.

~~The Comprehensive Plan seeks to preserve the quality of life of its citizens and protect the aesthetic character of Danville. Towards to end, regulations for outdoor lighting and illumination are established for all land uses pursuant to the following objectives: (1) to protect night skies in the City, (2) to protect the general welfare by controlling the spillover of outdoor light onto adjacent properties, and (3) to protect the public safety by preventing glare from outdoor luminaires. In order to ensure the implementation of these objectives, the regulations provided in this article are intended to regulate the direction of light emitted from certain types of luminaires and to limit the intensity of light on certain adjacent properties.~~

B. Application of Outdoor Lighting Regulations.

~~A site lighting plan, a lumen diagram, specifications for outdoor luminaire heights, luminaire design details, and other related information pertaining to luminaires and which fully demonstrates their compliance with the following regulations shall be provided by the owner with any site plan, subdivision or other building permit submission.~~

~~Outdoor lighting regulations shall apply to each outdoor luminaire installed or replaced in the City after the date of adoption of these regulations which is:~~

- ~~1. Located on property within a commercial or industrial zoning district, or which is associated with a use for which a site plan is required by this ordinance, and which is equipped with a lamp which emits three thousand (3,000) or more initial lumens; or~~
- ~~2. Located on property within a residential zoning district and which is associated with a use for which a site plan may not be required by this ordinance, and is equipped with a high intensity discharge lamp, regardless of its initial lumens.~~

C. Definitions for Lighting and Illumination.

~~In addition to those definitions included in Article 15 of this ordinance, the following definitions shall apply in the implementation and enforcement of these outdoor lighting regulations:~~

- ~~1. Decorative luminaire with full cutoff optics. The term "decorative luminaire with full cutoff optics" means an outdoor light fixture with manufacturer provided or manufacturer installed full cut-off optics designed for aesthetic appeal. This term shall not include a canopy or shoebox luminaire.~~

2. ~~Full cutoff luminaire. The term "full cutoff luminaire" means an outdoor light fixture shielded in such a manner that all light emitted by the fixture, either directly from the lamp or indirectly from the fixture, is projected below the horizontal plane.~~
3. ~~High intensity discharge lamp. The term "high intensity discharge lamp" means a mercury vapor, metal halide, high pressure sodium lamp, or low pressure sodium lamp.~~
4. ~~Initial lumens. The term "initial lumens" means the lumens emitted from a lamp, as specified by the manufacturer of the lamp.~~
5. ~~Lamp. The term "lamp" means the component of a luminaire that produces light. A lamp is also commonly referred to as a bulb.~~
6. ~~Lumen: The term "lumen" means a standard unit of measurement of luminous flux.~~
7. ~~Luminaire: The term "luminaire" means a complete lighting unit consisting of a lamp or lamps together with the components designed to distribute the light, to position and protect the lamps, and to connect the lamps to the power supply. A luminaire is also commonly referred to as a fixture.~~
8. ~~Outdoor luminaire. The term "outdoor luminaire" means a luminaire which is permanently installed outdoors including, but not limited to, devices used to illuminate any site, structure, or sign, except that it does not include an internally illuminated sign.~~

~~D. Standards for Lighting.~~

~~The following standards shall apply to each outdoor luminaire:~~

1. ~~Each outdoor luminaire subject to these outdoor lighting regulations shall be a full cutoff luminaire or a decorative luminaire with full cutoff optics.~~
2. ~~For any given outdoor luminaire subject to these regulations, lumens ratings shall be determined from information provided by the lamp manufacturer including, but not limited to, information on the lamp or on the lamp's packaging materials.~~
3. ~~For any given outdoor luminaire subject to these outdoor lighting regulations, the following rated lamp wattages shall be deemed to emit three thousand (3,000) or more initial lumens unless the Director of Planning determines, based upon information provided by a lamp manufacturer, that the rated wattage of a lamp emits either more or less than the three thousand (3,000) initial lumens:~~
 - a. ~~Incandescent lamp: one hundred sixty (160) or more watts.~~
 - b. ~~Quartz halogen lamp: one hundred sixty (160) or more watts.~~
 - c. ~~Fluorescent lamp: thirty five (35) or more watts.~~
 - d. ~~Mercury vapor lamp: seventy five (75) or more watts.~~

- e. ~~Metal halide lamp: forty (40) or more watts.~~
- f. ~~High pressure sodium lamp: forty-five (45) or more watts.~~
- g. ~~Low pressure sodium lamp: twenty-five (25) or more watts.~~
- 4. ~~If a luminaire is equipped with more than one lamp, the lumens of the lamp with the highest initial lumens shall determine the lumens emitted.~~
- 5. ~~The spillover of lighting from parking area luminaires onto public roads and adjoining property in residential zoning districts (measured at the residential set-back line) shall not exceed one-half (0.5) foot candle.~~

~~E. Modification, Waivers and Variations.~~

- 1. ~~A modification, waiver or variation from the standard set forth may be granted by the Planning Commission, as provided hereinbelow.~~
- 2. ~~Prior to considering a request to modify, waiver or vary a regulation contained in this article, the owner shall provide a minimum of ten (10) days written notice to the owner, owner's agent or occupant of each abutting lot or parcel and each parcel immediately across the street or road from the lot or parcel which is the subject of the request. The written notice shall identify the nature of the request and the date and time the Planning Commission will consider the request.~~
- 3. ~~The Planning Commission may modify, waiver or vary the standard in a particular case, and the Planning Commission may impose conditions on such a modification, waiver, or variation which it deems appropriate to further the purposes of these regulations under the following circumstances:~~
 - a. ~~Upon a determination that the strict application of the standard would not forward the objectives of this ordinance or otherwise serve the public interest.~~
 - b. ~~Upon a determination that the alternatives proposed by the owner or developer would satisfy the objectives of these regulations at least to an equivalent degree.~~
 - c. ~~Upon a determination that an outdoor luminaire, or system of outdoor luminaires, required for a baseball, softball, football or soccer field cannot reasonably comply with the standard and provide sufficient illumination of the field for its safe use, as determined by recommended practices adopted by the Illuminating Engineering Society of North America for that type of field and activity or other evidence if a recommended practice is not applicable.~~

~~F. Exemptions to Regulations.~~

~~The following outdoor lighting and related acts shall be exempt from the requirements of these outdoor lighting regulations:~~

- 1. ~~Lighting which is not subject to this chapter by state or federal law.~~

- ~~2. Construction, agricultural, emergency, special events, or holiday decorative lighting, provided that the lighting is temporary and is discontinued within seven (7) days upon completion of the project or holiday for which the lighting was provided.~~
- ~~3. Lighting of the United States of America or Commonwealth of Virginia flags and other non-commercial flags expressing constitutionally protected speech.~~
- ~~4. Security lighting controlled by sensors which provides illumination for fifteen (15) minutes or less.~~
- ~~5. The replacement of an inoperable lamp or component which is in a luminaire that was installed prior to the date of adoption of this article.~~
- ~~6. The replacement of a failed or damaged luminaire which is one of a matching group serving a common purpose.~~

ARTICLE 11. - OUTDOOR LIGHTING AND ILLUMINATION REGULATIONS

A. - Purpose

This Article regulates the placement and arrangement of lighting on all properties and uses except one - and two-family dwellings within the City. The regulations in this Article protect the public health, safety, and general welfare; control light spillover, pollution, and glare; promote energy efficiency; preserve community character; and provide nighttime safety, utility, security, and productivity.

B. Objectives.

These standards will accomplish the following objectives:

1. Avoid light spillovers and glare onto adjacent premises and public rights-of-way.
2. Shade, shield, and direct light sources so that the light intensity or brightness is not objectionable to surrounding areas.
3. Control illumination of vertical architectural surfaces.

C. Standards

1. Site and area lighting. Light levels must not exceed 0.5 foot-candles at any point along the property perimeter or adjacent to residential zones and uses, except for light levels of up to 2.0 footcandles along the perimeter of property adjacent to commercial or industrial zones or uses.
2. Light levels must not exceed 15.0 foot-candles within a site except to illuminate building exteriors, signs, and task areas as approved by the Zoning Administrator.
3. Pole-Mounted Fixtures. Pole-mounted light fixtures used for site and area lighting must be subject to the following design guidelines:
 - a. Pole-mounted lighting with a pole height of 15' or less must not exceed 15.0 foot-candles. The light must be so shaded, shielded or directed that the light intensity or brightness will not be unreasonably objectionable to surrounding areas. .

- b. Pole-mounted lighting with a pole height of greater than 15' and not exceeding 35' in height must be a down-type, mounted horizontally and angled perpendicular to the ground.
- 4. Building mounted lighting fixtures must not exceed 15.0 foot-candles and must not exceed a 35' mounting height. The light must be shaded, shielded or directed so that the light intensity or brightness will not cause glare or exceed site and area lighting limits at the property perimeter.
- 5. Landscape Light Fixtures. Landscape light fixtures, including ground lighting for signs, flag poles and statues, must be equipped with shields or shutters to eliminate glare. The light must be so shaded, shielded or directed that the light intensity or brightness will not be unreasonably objectionable to surrounding areas.
- 6. Blinking, Flashing and Temporary Lighting. Lights must not blink, flash, oscillate, or flutter including changes in light intensity, brightness or color.
- 7. Site Lighting Plan. Whenever a change to site lighting is proposed, a site lighting plan for developments requiring site plan review must be submitted including the following information:
 - a. Locations of all exterior light fixtures.
 - b. Details for illumination devices, fixtures, lamps, supports, reflectors and other devices (e.g., fixture type, mounting height, output).
 - c. Photometric data of illumination cast on horizontal surfaces. Vertical photometric data must be provided in either a grid or contour line format measuring footcandles on the ground.
- 8. Illumination levels for all building-mounted, vertical architectural, and landscaping lighting. Reduced Lighting. For uses requiring site plan review, lighting must be significantly reduced during nonoperational building hours, allowing only lighting necessary for security and tasks. The lighting plan submitted for review must indicate where this distinction applies
- 9. Exemptions to Regulations. The following outdoor lighting and related acts shall be exempt from the requirements of these outdoor lighting regulations:
 - a. Lighting which is not subject to this chapter by State or federal law.
 - b. Construction, agricultural, emergency, special events, or holiday decorative lighting, provided that the lighting is temporary and is discontinued within seven (7) days upon completion of the project or holiday for which the lighting was provided.
 - c. Security lighting, controlled by sensors, on for less than 15 minutes.
 - d. Replacing an inoperable lamp or component in a legally non-conforming light.



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

City Planning Commission

RECOMMENDATION

DATE: JUNE 16, 2022
TO: CITY COUNCIL
FROM: CITY PLANNING COMMISSION
RE: ZONING ORDINANCE TEXT AMENDMENT APPLICATION PZ22-109

REQUEST

Rezoning PZ22-109, initiated by the Planning Director, updates the exterior lighting standards contained in Chapter 41, Article 11, Exterior Lighting.

RECOMMENDATION

The Planning Commission, at their June 13, 2022 meeting, voted 7-0 to recommend approval of Zoning Ordinance Text Amendment Application PZ22-109.

Mr. Harold E. Garrison, Chair

ARTICLE 11. - OUTDOOR LIGHTING AND ILLUMINATION REGULATIONS

A. - Purpose

This Article regulates the placement and arrangement of lighting on all properties and uses except one - and two-family dwellings within the City. The regulations in this Article protect the public health, safety, and general welfare; control light spillover, pollution, and glare; promote energy efficiency; preserve community character; and provide nighttime safety, utility, security, and productivity.

B. Objectives.

These standards will accomplish the following objectives:

1. Avoid light spillovers and glare onto adjacent premises and public rights-of-way.
2. Shade, shield, and direct light sources so that the light intensity or brightness is not objectionable to surrounding areas.
3. Control illumination of vertical architectural surfaces.

C. Standards

1. Site and area lighting. Light levels must not exceed 0.5 foot-candles at any point along the property perimeter or adjacent to residential zones and uses, except for light levels of up to 2.0 footcandles along the perimeter of property adjacent to commercial or industrial zones or uses.
2. Light levels must not exceed 15.0 foot-candles within a site except to illuminate building exteriors, signs, and task areas as approved by the Zoning Administrator.
3. Pole-Mounted Fixtures. Pole-mounted light fixtures used for site and area lighting must be subject to the following design guidelines:
 - a. Pole-mounted lighting with a pole height of 15' or less must not exceed 15.0 foot-candles. The light must be so shaded, shielded or directed that the light intensity or brightness will not be unreasonably objectionable to surrounding areas. .
 - b. Pole-mounted lighting with a pole height of greater than 15' and not exceeding 35' in height must be a down-type, mounted horizontally and angled perpendicular to the ground.
4. Building mounted lighting fixtures must not exceed 15.0 foot-candles and must not exceed a 35' mounting height. The light must be shaded, shielded or directed so that the light intensity or brightness will not cause glare or exceed site and area lighting limits at the property perimeter.
5. Landscape Light Fixtures. Landscape light fixtures, including ground lighting for signs, flag poles and statues, must be equipped with shields or shutters to eliminate glare. The light must be so shaded, shielded or directed that the light intensity or brightness will not be unreasonably objectionable to surrounding areas.
6. Blinking, Flashing and Temporary Lighting. Lights must not blink, flash, oscillate, or flutter including changes in light intensity, brightness or color.
7. Site Lighting Plan. Whenever a change to site lighting is proposed, a site lighting plan for developments requiring site plan review must be submitted including the following information:
 - a. Locations of all exterior light fixtures.
 - b. Details for illumination devices, fixtures, lamps, supports, reflectors and other devices (e.g., fixture type, mounting height, output).
 - c. Photometric data of illumination cast on horizontal surfaces. Vertical photometric data must be provided in either a grid or contour line format measuring footcandles on the ground.
8. Illumination levels for all building-mounted, vertical architectural, and landscaping lighting. Reduced Lighting. For uses requiring site plan review, lighting must be significantly reduced during nonoperational building hours, allowing only lighting necessary for security and tasks. The lighting plan submitted for review must indicate where this distinction applies
9. Exemptions to Regulations. The following outdoor lighting and related acts shall be exempt from the requirements of these outdoor lighting regulations:
 - a. Lighting which is not subject to this chapter by State or federal law.

- b. Construction, agricultural, emergency, special events, or holiday decorative lighting, provided that the lighting is temporary and is discontinued within seven (7) days upon completion of the project or holiday for which the lighting was provided.
- c. Security lighting, controlled by sensors, on for less than 15 minutes.
- d. Replacing an inoperable lamp or component in a legally non-conforming light.

Council Letter

City of Danville, Virginia



CL-2799

New Business B.

City Council Regular Meeting

Meeting Date: 07/05/2022

Subject: Consideration of Special Use Permit at 726 Temple Avenue.

From: Doug Plachcinski, Planning Division Director

COUNCIL ACTION

Business Meeting: 07/05/2022

SUMMARY

Special Use Permit PZ22-106 application from Steven Decker, is for a duplex residential dwelling as allowed by Zoning Code section 3.E.C.2 at 726 Temple Avenue (Parcel # 24611).

BACKGROUND

The home was previously converted into a duplex without permits. The new owner applied for building permits for needed improvements and the previous owner's oversights were discovered.

RECOMMENDATION

The Planning Commission, at their June 13, 2022 meeting, voted 7-0 to recommend approval of Special Use Permit PZ22-106.

Attachments

Ordinance

Planning Backup

PRESENTED: _____

ADOPTED: _____

ORDINANCE NO. 2022____.____

AN ORDINANCE GRANTING SPECIAL USE PERMIT APPLICATION PZ22-106, FILED BY STEVEN DECKER, FOR A DUPLEX RESIDENTIAL DWELLING AS ALLOWED BY ZONING CODE ARTICLE 3.E, ENTITLED "OT-R, OLD TOWN RESIDENTIAL DISTRICT", SECTION C., ENTITLED "USES BY SPECIAL PERMIT", ITEM 2 AT 726 TEMPLE AVENUE (PARCEL # 24611).

NOW THEREFORE, BE IT ORDAINED, by the Council of the City of Danville, Virginia, that the report of the Planning Commission recommending approval of Special Use Permit Application PZ22-106, filed by Steven Decker, for a duplex residential dwelling as allowed by Zoning Code Article 3.E, entitled "OT-R Old Town Residential District, Section C, entitled "Uses Permitted by Special Use Permit", Item 2 at 726 Temple Avenue (Parcel # 24611); and

BE IT FURTHER ORDAINED, that in consideration of said report and the public hearing this day held by Council, Special Use Permit Application PZ22-106, filed by Steven Decker, for a duplex residential dwelling as allowed by Zoning Code, Article 3.E, entitled "OT-R Old Town Residential District, Section C, entitled "Uses Permitted by Special Use Permit", Item 2 at 726 Temple Avenue (Parcel # 24611) be, and is hereby, approved.

APPROVED:

Mayor

ATTEST:

City Clerk

APPROVED AS TO
FORM AND LEGAL SUFFICIENCY:

City Attorney



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

City Planning Commission

STAFF REPORT

DATE: June 7, 2022
TO: Planning Commission
FROM: Doug Plachcinski, AICP, CFM, Planning Division Director + Zoning Administrator
RE: SPECIAL USE PERMIT APPLICATION – 726 Temple Avenue

Special Use Permit PZ22-106 application from Steven Decker, for a duplex residential dwelling as allowed by Zoning Code section 3.E.C.2 at 726 Temple Avenue (Parcel # 24611).

BACKGROUND

The applicant proposes converting the single-family dwelling into a duplex. The property was formerly used as a duplex but never received a special use permit for the conversion

STAFF ANALYSIS AND RECOMMENDATION

The City may allow a commercial recreation facility in the OT-R zoning district with a Special Use Permit.

If approved, the Special Use Permit is in harmony with OT-R District that establishes this district as one encompassing a reasonably high density for single family detached, two family, and duplex residences served by public water and sewer, public streets with curb and gutter, adequate drainage systems, street lighting, and sidewalks.

The neighboring adjacent properties are residential. If granted, this proposed Special Use Permit is in harmony with the Special Use Permit requirements in Article 6 Section B.

The Planning Division recommends approving this application as proposed and that the Planning Commission endorse Special Use Permit Application PZ22-106 for City Council approval

CITY PLANNING COMMISSION ALTERNATIVE ACTIONS

1. Recommend approval of Special Use Permit Application as submitted;
2. Recommend approval of Special Use Permit Application with conditions per Planning Commission; or
3. Recommend denial of Special Use Permit Application.

ATTACHMENTS

- ✓ Application
- ✓ Data Sheet
- ✓ Property Ownership/Zoning Map
- ✓ Existing Land Use Map
- ✓ Future Land Use Map



City of Danville
Community Development
Planning Division

**PLANNING COMMISSION
SPECIAL USE PERMIT APPLICATION**

PLANNING DIVISION PROVIDED INFORMATION

Application #: _____ PC Meeting Date: _____
Date Received: _____ Received By: _____
Parcel ID: _____ Address: _____
Existing Zoning: _____ Future Land Use: _____

APPLICANT PROVIDED INFORMATION

Property Location (address/ID#): 726 Temple Ave
Applicant: Steven Decker
Applicant's Address: 1715 WALNUT CREEK RD, Danville VA
Applicant's Phone Number: 434-548-8819
Applicant's E-mail: sedecker@verizon.net
Describe Proposed Development: single family to multi family

Article 6 Section B. General Standards and Criteria for Special Use Permit Review. Please explain how the Special Use Permit request meets the following review standards and criteria:

1. The proposed use shall be: a. in harmony with the adopted Comprehensive Plan; b. in harmony with the intent and purpose of the zoning district in which the use is proposed to be located; and c. in harmony with the character of adjacent properties and the surrounding neighborhoods and also with existing and proposed development.

there are other multi family dwellings on the same street

2. The proposed use shall be adequately served by essential public services such as streets, drainage facilities, fire protection and public water and sewer facilities:

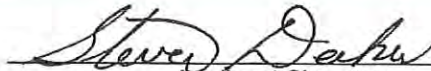
no changes to these

3. The proposed use shall not result in the destruction, loss or damage of any feature determined to be of significant ecological, scenic or historic importance:

No exterior changes

4. The proposed use shall be designed, sited and landscaped so that the use will not hinder or discourage the appropriate development or use of adjacent properties and surrounding neighborhoods:

Will have no effect


Applicant Signature


Property Owner Signature
(if not applicant)

Article 6. Section D. Application Requirements for Special Use Permit.

1. An application for a special use permit shall be made by the owner, contract purchaser with the owner's written consent, or the owner's agent, of the property on which the proposed use is to be located. The application shall be submitted to the Director of Planning/Zoning Administrator, and shall be accompanied by the filing fee as established by the City Council.
2. If the request for a special use permit has been denied by City Council, a request in substantially the same form shall not be resubmitted within one (1) year of the date of denial.
3. The application shall include the following information:
 - a. A preliminary site plan in accordance with the Site Plan Regulations.
 - b. A description of the proposed use and, where applicable, the hours of operation and the proposed number of employees/patrons.
 - c. A written statement of proposed project compatibility with the following:
 - (1.) The Comprehensive Plan.
 - (2.) The applicable zoning district.
 - (3.) The surrounding properties.
 - (4.) Current and future neighborhood conditions.
 - (5.) Pedestrian and vehicular traffic patterns, on-site and off-site.
 - (6.) Adequate public facilities.
 - d. When requested by the Director of Planning/Zoning Administrator, the Planning Commission, or the City Council, the following information shall be provided by the applicant:
 - (1.) The architectural elevations and floor plans of proposed building(s).
 - (2.) Traffic impact analysis.
 - (3.) Fiscal impact analysis.
 - (4.) Parking and site circulation analysis.
 - (5.) Photographs of property and surrounding area.
 - (6.) Environmental impact statement.



2019 AERIAL VIEW OF AREA SURROUNDING SUBJECT PROPERTY

Prepared by:
Planning Division
6/2/2022

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

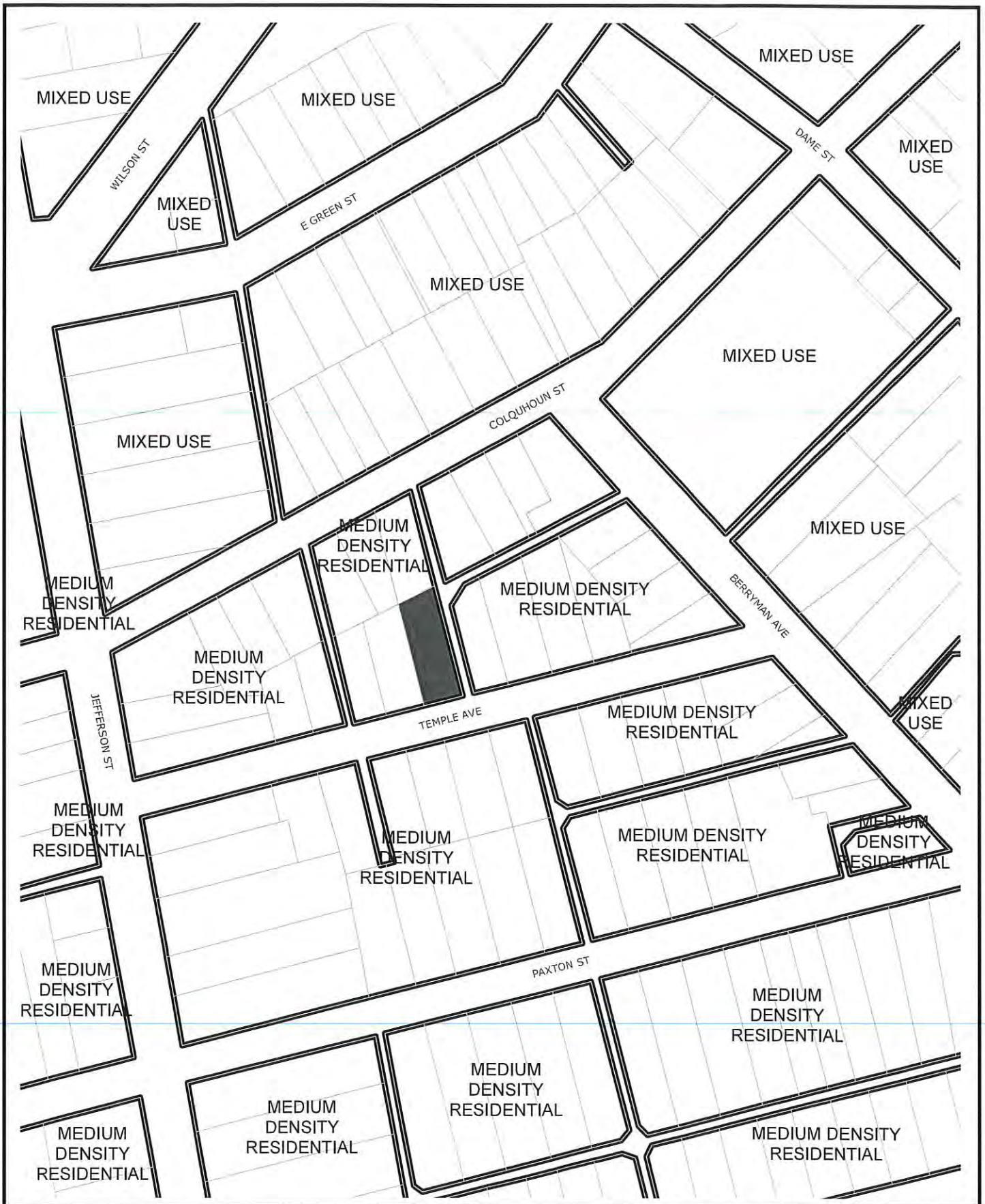


SURROUNDING PROPERTY OWNERS AND ZONING WITHIN 300 FEET OF SUBJECT PROPERTY



Prepared by:
Planning Division
6/2/2022

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



YEAR 2030 LAND USE PLAN FOR AREA SURROUNDING SUBJECT PROPERTY

Prepared by:
Planning Division
6/2/2022

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

SPECIAL USE PERMIT REQUEST DATA SHEET PLSUP PZ22-106

PUBLIC HEARING DATES: JUNE 13, 2022
PLANNING COMMISSION AT 3PM

LOCATION OF PROPERTY: 726 TEMPLE AVENUE (PARCEL ID 24611)

PRESENT ZONE: OT-R OLD TOWN RESIDENTIAL

PROPOSED ZONE: NO CHANGE

ACTION REQUESTED: THE APPLICANT PROPOSES CONVERTING THE SINGLE-FAMILY DWELLING INTO A DUPLEX.

PRESENT USE OF PROPERTY: SINGLE-FAMILY DWELLING

PROPOSED USE OF PROPERTY: DUPLEX

FUTURE LAND USE DESIGNATION: RESIDENTIAL

PROPERTY OWNER (S): STEVEN DECKER

NAME OF APPLICANT (S): STEVEN DECKER

PROPERTY BORDERED BY: RESIDENTIAL

ACREAGE: APPROXIMATELY 0.1 ACRES TOTAL

CHARACTER OF VICINITY: RESIDENTIAL NEIGHBORHOOD

INGRESS AND EGRESS: TEMPLE AVENUE

TRAFFIC VOLUME: NO COUNTS AVAILABLE

Council Letter

City of Danville, Virginia



CL-2800

New Business C.

City Council Regular Meeting

Meeting Date: 07/05/2022

Subject: Consideration of Rezoning Property on North Main Street

From: Doug Plachcinski, Planning Division Director

COUNCIL ACTION

Business Meeting: 07/05/2022

SUMMARY

Rezoning PZ22-96 application is from God's Pit Crew to rezone a 0.069-acre portion of a property on North Main St. (Parcel #s: 53503 and 60497) from Light Economic Development – Industrial (LED-I) to Highway Retail-Commercial (HR-C).

BACKGROUND

God's Pit Crew wants a building for servicing their vehicle fleet and provide some additional storage. Their plans necessitate adjusting a property line to meet setbacks and the rezoning coincides with that plat change.

RECOMMENDATION

The Planning Commission, at their June 13, 2022 meeting, voted 7-0 to recommend approval of Rezoning PZ22-96.

Attachments

Ordinance

Planning Backup

PRESENTED: _____

ADOPTED: _____

ORDINANCE NO. 2022____.____

AN ORDINANCE APPROVING AND AUTHORIZING THE REZONING A 0.069 ACRE PORTION OF PROPERTY ON NORTH MAIN STREET (PARCELS # 53503 AND 60497) FROM LIGHT ECONOMIC DEVELOPMENT – INDUSTRIAL (LED-I) TO HIGHWAY RETAIL – COMMERCIAL (HR-C).

NOW THEREFORE, BE IT ORDAINED, by the Council of the City of Danville, Virginia, that the report of the Planning Commission recommending approval of Rezoning Application PZ22-96, by God's Pit Crew to rezone a 0.069-acre portion of a property on North Main Street (Parcel #s: 53503 and 60497) from Light Economic Development – Industrial (LED-I) to Highway Retail – Commercial (HR-C); and

BE IT FURTHER ORDAINED, that in consideration of said report and the public hearing this day held by Council, Rezoning Application PZ22-96, filed by God's Pit Crew to rezone a 0.069-acre portion of a property on North Main Street (Parcel #s: 53503 and 60497) from Light Economic Development – Industrial (LED-I) to Highway Retail – Commercial (HR-C) be, and is hereby, approved.

APPROVED:

Mayor

ATTEST:

City Clerk

APPROVED AS TO
FORM AND LEGAL SUFFICIENCY:

City Attorney



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

City Planning Commission

RECOMMENDATION

DATE: JUNE 17, 2022
TO: CITY COUNCIL
FROM: CITY PLANNING COMMISSION
RE: SPECIAL USE PERMIT APPLICATION PZ22-96

REQUEST

Rezoning PZ22-96 application from God's Pit Crew to rezone a 0.069-acre portion of a property on North Main St. (Parcel #s: 53503 and 60497) from Light Economic Development – Industrial (LED-I) to Highway Retail – Commercial (HR-C).

RECOMMENDATION

The Planning Commission, at their June 13, 2022 meeting, voted 7-0 to recommend approval of Special Use Permit PZ22-96.

Mr. Harold E. Garrison, Chair



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

City Planning Commission

STAFF REPORT

DATE: June 7, 2022
TO: Planning Commission
FROM: Doug Plachcinski, AICP, CFM Planning Division Director + Zoning Administrator
RE: REZONING APPLICATION APPLICATION – North Main Street

Rezoning PZ22-96 application from God's Pit Crew to rezone a 0.069-acre portion of a property on North Main St. (Parcel #s: 53503 and 60497) from Light Economic Development – Industrial (LED-I) to Highway Retail – Commercial (HR-C).

BACKGROUND

The zoning changes will allow the operation to install a new service building for their trucks and equipment.

STAFF ANALYSIS AND RECOMMENDATION

The zoning district boundary is a slight adjustment to match moving a property line so the new building meets setbacks.

RECOMMENDATION

The Planning Division recommends that the Planning Commission endorse Rezoning Application PZ22-96 for City Council approval.

CITY PLANNING COMMISSION ALTERNATIVE ACTIONS

- Recommend continuation to a future meeting.
- Recommend approval as submitted.
- Recommend approval with conditions determined by the Planning Commission.
- Recommend denial.

ATTACHMENTS

- ✓ Application
- ✓ Data Sheet
- ✓ Property Ownership/Zoning Map
- ✓ Existing Land Use Map
- ✓ Future Land Use Map

CITY OF DANVILLE

REZONING APPLICATION

TO THE CITY PLANNING COMMISSION AND THE HONORABLE CITY COUNCIL:

Application is hereby made for the rezoning as described below:

INFORMATION TO BE PROVIDED BY THE PLANNING DIVISION

CASE NUMBER: _____ EXISTING ZONING: _____
PROPOSED ZONING: _____ TAX MAP NUMBER: _____
RECEIVED BY: _____ DATE FILED: _____
PLANNING COMMISSION DATE: _____ CITY COUNCIL DATE: _____

INFORMATION TO BE PROVIDED BY THE APPLICANT

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

Gross Area/Net Area: 0.069 ACRES Property Address: 60497

Property Location: N S E W Side of: _____

Between: BRENTWOOD DR and NORTH MONT BLVD

Proffered Conditions (if any, please attach): _____

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

1. NAME: GOO'S PIT CREW TELEPHONE: 434-548-3263
MAILING ADDRESS: 2499 NORTH MAIN ST DANVILLE VA 24540
SIGNATURE: [Signature] DATE: 4-28-22
SIGNATURE: _____ DATE: _____
EMAIL ADDRESS: RANDY@GOOS.PITCREW.ORG

APPLICANT (PLEASE TYPE OR PRINT):

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

NAME: _____ TELEPHONE: _____
MAILING ADDRESS: _____
EMAIL ADDRESS: _____
SIGNATURE: _____ DATE: _____

EXPLANATION OF REQUEST:

1. NEW COMMERCIAL/INDUSTRIAL DEVELOPMENT:

Please provide ten (10) sets, blue or black line copies, of a final site plan with the following information:

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

Please provide a brief description of the proposed development:

SEE ATTACHED PLAT

2. ALTERATION OF ZONING BOUNDARIES:

Please provide a survey of proposed Zoning boundaries.

Please provide a brief description of the request:

SEE ATTACHED PLAT

3. RESIDENTIAL REZONING:

Please provide a brief description of the request:

1. THIS PLAT HAS BEEN PREPARED FROM AN ACTUAL FIELD SURVEY AS PER DATE OF THIS PLAT AND THERE ARE NO READILY APPARENT ENCUMBRANCES OR ENCROACHMENTS EXCEPT AS SHOWN.
2. THIS PLAT HAS BEEN PREPARED WITHOUT THE BENEFIT OF A TITLE REPORT AND THEREFORE, DOES NOT NECESSARILY SHOW ALL ENCUMBRANCES ON THE PROPERTY.
3. THE AREA SHOWN HEREON IS NOT LOCATED IN A 100 YEAR FLOOD HAZARD ZONE, PER FEMA FLOOD MAP 51143C0032E EFFECTIVE 9-29-2010.
4. THIS SURVEY DOES NOT ADDRESS THE EXISTENCE, DETECTION, OR DELINEATION OF ANY ENVIRONMENTALLY SENSITIVE AREAS OR ANY ENVIRONMENTAL PROBLEMS LOCATED ON THE SURVEYED PREMISES.
5. NOT ALL PHYSICAL IMPROVEMENTS ARE NECESSARILY SHOWN AS PART OF THIS PROPERTY LINE ADJUSTMENT. ONLY IMPROVEMENTS WHICH ENCRONCH ON THE LINE OR ARE IN CLOSE PROXIMITY TO THE LINE ARE SHOWN.

CITY APPROVAL CERTIFICATION:

I CERTIFY THAT THIS PLATTING IS IN ACCORDANCE WITH THE SUBDIVISION ORDINANCE AND HEREBY APPROVED IN ACCORDANCE WITH CODE OF THE CITY OF DANVILLE 2004, AS AMENDED.

CITY ENGINEER

ZONING ADMINISTRATOR

THE PROPERTY LINE ADJUSTMENT OF LAND DESCRIBED HEREIN IS WITH THE FREE CONSENT AND IN ACCORDANCE WITH THE DESIRES OF THE UNDERSIGNED OWNERS, PROPRIETORS, AND TRUSTEES, THE OWNERS CERTIFY THAT THEY ARE THE FEE SIMPLE OWNERS OF SAID LOT AND ARE LEGALLY ENTITLED TO SUBDIVIDE THE SAME.

REPRESENTATIVE OF GOD'S PIT CREW INC.

COMMONWEALTH AT LARGE TO WIT:
STATE OF VIRGINIA
COUNTY/ CITY OF

I, A NOTARY PUBLIC IN AND FOR THE STATE AFORESAID, DO HEREBY CERTIFY THAT THE OWNER:

(NAME) (TITLE) WHOSE NAME IS SIGNED HEREON HAS ACKNOWLEDGED THE SAME BEFORE ME THIS DAY OF EXPIRES: 20 MY COMMISSION

NOTARY PUBLIC

2.4985 +/- ACRES (PID 60497)(TAX RECORD)
-0.069 ACRES (PARCEL 'A')
2.4295 +/- ACRES (RESIDUE)

THE PROPERTY LINE ADJUSTMENT OF LAND DESCRIBED HEREIN IS WITH THE FREE CONSENT AND IN ACCORDANCE WITH THE DESIRES OF THE UNDERSIGNED OWNERS, PROPRIETORS, AND TRUSTEES, THE OWNERS CERTIFY THAT THEY ARE THE FEE SIMPLE OWNERS OF SAID LOT AND ARE LEGALLY ENTITLED TO SUBDIVIDE THE SAME.

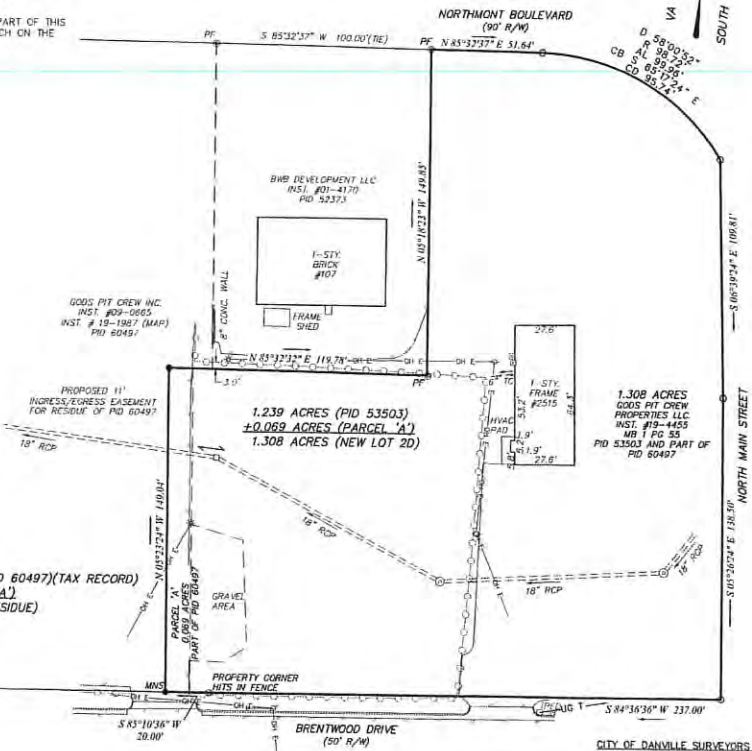
REPRESENTATIVE OF GOD'S PIT CREW PROPERTIES, LLC.

COMMONWEALTH AT LARGE TO WIT:
STATE OF VIRGINIA
COUNTY/ CITY OF

I, A NOTARY PUBLIC IN AND FOR THE STATE AFORESAID, DO HEREBY CERTIFY THAT THE OWNER:

(NAME) (TITLE) WHOSE NAME IS SIGNED HEREON HAS ACKNOWLEDGED THE SAME BEFORE ME THIS DAY OF EXPIRES: 20 MY COMMISSION

NOTARY PUBLIC



- #### LEGEND
- IRON PIN FOUND
 - COMPUTED POINT
 - UTILITY POLE
 - SANITARY SEWER MANHOLE
 - STORM MANHOLE
 - OH OVERHEAD UTILITY
 - UG T UNDERGROUND TELEPHONE
 - W WATER VALVE
 - E ELECTRIC METER
 - B GAS METER
 - LIGHT POLE
 - EDGE OF PAVEMENT
 - CHAINLINK FENCE
 - TC TERRA COTTA
 - RC REINFORCED CONCRETE PIPE
 - CAST IRON
 - CONCRETE



CITY OF DANVILLE SURVEYORS CERTIFICATE (SUBDIVISIONS):

SURVEYORS CERTIFICATE
I HEREBY CERTIFY THAT TO THE BEST OF MY KNOWLEDGE AND BELIEF, ALL OF THE REQUIREMENTS OF THE PLANNING COMMISSION AND CITY COUNCIL, AND ORDINANCES OF THE CITY OF DANVILLE, VIRGINIA, REGARDING THE PLATTING OF SUBDIVISIONS, DIVISIONS WITHIN THE CITY HAVE BEEN COMPLIED WITH GIVEN UNDER MY HAND THIS 7TH DAY OF JANUARY, 2022.

Richard B. Armstrong, Jr.
RICHARD B. ARMSTRONG, JR., S. 3017

DRAWN BY: BT/MSD	DATE: 1-07-2022	PROJECT #220008-2
PLAT SHOWING PROPERTY LINE ADJUSTMENT OF THE PROPERTY OF GOD'S PIT CREW INC. & GOD'S PIT CREW PROPERTIES, LLC. CITY OF DANVILLE, VIRGINIA		



ARMSTRONG & ASSOCIATES, INC.
RICHMOND, VIRGINIA



2019 AERIAL VIEW OF AREA SURROUNDING SUBJECT PROPERTY

Prepared by:
Planning Division
6/2/2022

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



YEAR 2030 LAND USE PLAN FOR AREA SURROUNDING SUBJECT PROPERTY

Prepared by:
Planning Division
6/2/2022

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

REZONING REQUEST DATA SHEET PLSUP PZ22-96

PUBLIC HEARING DATES:	JUNE 13, 2022 PLANNING COMMISSION AT 3PM
LOCATION OF PROPERTY:	North Main St. (Parcel #s: 53503 and 60497)
PRESENT ZONE:	Light Economic Development – Industrial (LED-I)
PROPOSED ZONE:	Highway Retail – Commercial (HR-C)
ACTION REQUESTED:	Rezone a 0.069-acre portion of a property on North Main St. (Parcel #s: 53503 and 60497) from Light Economic Development – Industrial (LED-I) to Highway Retail – Commercial (HR-C)
PRESENT USE OF PROPERTY:	VACANT
PROPOSED USE OF PROPERTY:	GOD'S PIT CREW OPERATIONS
FUTURE LAND USE DESIGNATION:	COMMERCIAL
PROPERTY OWNER (S):	GOD'S PIT CREW
NAME OF APPLICANT (S):	GOD'S PIT CREW
PROPERTY BORDERED BY:	GOD'S PIT CREW
ACREAGE:	APPROXIMATELY 0.069 ACRES
CHARACTER OF VICINITY:	COMMERCIAL CORRIDOR
INGRESS AND EGRESS:	NORTH MAIN STREET
TRAFFIC VOLUME:	ARTERIAL - 8,600 2019 AADT

Council Letter

City of Danville, Virginia



CL-2791

New Business D.

City Council Regular Meeting

Meeting Date: 07/05/2022

Subject: Mass Transit EEO Plan

From: Marc Adelman, Director of Transportation Services

COUNCIL ACTION

Business Meeting: 07/05/2022

SUMMARY

Public transit agencies that receive federal funding assistance in excess of \$1,000,000 during the previous federal fiscal year and employ 50 or more transit-related employees must prepare, implement, and evaluate a formalized Equal Employment Opportunity Plan. This fiscal year, the Danville Transit System hired additional part-time employees to assist with bus driving and administrative duties that caused the transit system to employ more than 49 persons.

The transit system currently employs 50 persons. Of the total number of persons employed, nineteen staff members are part-time employees. The majority of Mass Transit's part-time staff do not have a set work schedule and are assigned work as needed. To satisfy federal requirements, the transit system obtained assistance from the Virginia Department of Rail and Public Transportation and Danville's Human Resource Office to prepare the attached Equal Employment Opportunity plan. Formalized communication procedures have been established to publicize and disseminate Danville Transit's plan to employees, applicants, and the public.

BACKGROUND

In accordance with federal transit regulations regarding employee and funding levels, Danville Transit has developed a written nondiscrimination program that sets forth the policies, practices, and procedures to ensure no person is unlawfully excluded from employment opportunities based on race, color, religion, national origin, sex (including gender identity, sexual orientation, and pregnancy), age, genetic information, disability, veteran status, or other protected class. The attached Equal Employment Opportunity policy and plan will be made available for inspection by any employee or applicant for employment upon request.

Danville Transit's Equal Employment Opportunity plan will be provided under the guidance of the Transportation Services Department Director. All advertisements for employment will contain the following statement, "Danville Transit is an Equal Employment Opportunity Employer" at the bottom of the advertisement and the plan will be posted on Danville Transit's webpage as an employee and applicant resource. This information is currently identified for all job notices advertised for City of Danville employees.

Any employee involved in organizations and/or community groups, which have special contacts with minorities and women's groups are encouraged to report to the Transportation Services Director about the

existence of such groups. Danville Transit will provide a copy of its Equal Employment Opportunity policy to these entities.

All new employees, both supervisory and non-supervisory will be informed of Danville Transit's Equal Employment Opportunity policy and plan within 90 days of hire. All employees will also undergo retraining related to this plan. This training will be conducted annually. The Transportation Services Director will meet with employees and affinity groups to seek input on the plan's implementation.

RECOMMENDATION

It is recommended that City Council approve mass transit's Equal Employment Opportunity Plan.

Attachments

Resolution

Mass Transit EEO Plan

PRESENTED: _____

ADOPTED: _____

RESOLUTION NO. 2022-_____-_____

A RESOLUTION AUTHORIZING THE CITY MANAGER TO APPROVE DANVILLE TRANSIT'S EQUAL EMPLOYMENT OPPORTUNITY PLAN.

WHEREAS, federal transit regulations require public transit agencies to establish and implement an Equal Employment Opportunity Plan if 50 or more persons are employed and receives \$1,000,000 in federal operating assistance; and

WHEREAS, the Danville Transit System currently employs 50 persons and received over \$1,000,000 in federal operating aid during Fiscal Year 2022: and

WHEREAS, the City of Danville's Transit System has developed a written nondiscrimination program that sets forth the policies, practices, and procedures to ensure no person is unlawfully excluded from employment opportunities based on race, color, religion, national origin, sex, age, genetic information, disability, veteran status, or other protected class; and

WHEREAS, the Virginia Department of Rail and Public Transportation requests Danville City Council to approve mass transit's Equal Employment Opportunity Plan

NOW THEREFORE, BE IT RESOLVED, by the Council of the City of Danville, Virginia that the City Manager, Kenneth F. Larking be, and he is hereby, authorized to accept and approve Danville Transit's Equal Employment Opportunity Plan.

APPROVED:

Mayor

ATTEST:

City Clerk

Approved as to
Form and Legal Sufficiency:

Assistant City Attorney

Danville Transit

EQUAL EMPLOYMENT OPPORTUNITY POLICY

June 1, 2022

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Section 1 - Policy Statement

Danville Transit has a strong commitment to the community we serve and our employees. As an equal opportunity employer, we strive to have a workforce that reflects the community we serve. No person is unlawfully excluded from employment opportunities based on race, color, religion, national origin, sex (including gender identity, sexual orientation, and pregnancy), age, genetic information, disability, veteran status, or other protected class.

Danville Transit Equal Employment Opportunity (EEO) policy applies to all employment actions, including but not limited to, recruitment, hiring, selection for training, promotion, transfer, demotion, layoff, termination, rates of pay, or other forms of compensation.

All applicants and employees have the right to file complaints alleging discrimination. Retaliation against an individual who files a charge or complaint of discrimination, participates in an employment discrimination proceeding (such as an investigation or lawsuit), or otherwise engages in protected activity is strictly prohibited and will not be tolerated. Danville Transit is committed to providing reasonable accommodations to applicants and employees who need them because of a disability or to practice or observe their religion, absent undue hardship.

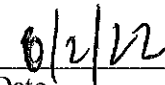
The Transportation Services Department Director for the City of Danville will maintain overall responsibility and accountability for Danville Transit's compliance with its EEO policy and plan and related functions including complaint investigation. Danville Transit does not maintain a separate Board of Directors and is governed by Danville City Council. The City of Danville maintains a City-Manager form of government.

All Danville Transit supervisory personnel share in the responsibility for implementing and monitoring Danville Transit's EEO policy and plan within their respective areas and will be assigned specific tasks to ensure compliance is achieved. Danville Transit will evaluate its supervisors' performance on their successful implementation of Danville Transit's policies and procedures, in the same way Danville Transit assesses their performance regarding other agency's goals.

Danville Transit is committed to undertaking and developing a written nondiscrimination program that sets forth the policies, practices, and procedures, to which the agency is committed and make the EEO policy and plan available for inspection by any employee or applicant for employment upon request. Danville's Transportation Services Director is personally committed to a workplace that acts upon its daily responsibility to treat all applicants and employees with dignity and respect, as well as equitably under the guidelines of our EEO policy and plan.



Kenneth F. Larking
Danville City Manager



Date

Guiding Legislation:

Equal Pay Act of 1963, 29 U.S.C. 201

Title VI of the Civil Rights Act of 1964, 42 U.S.C. 2000d

Title VII of the Civil Rights Act of 1964, as amended, 42 U.S.C. 2000e Age Discrimination in Employment Act of 1967, 29 U.S.C. 633a Section 504 of the Rehabilitation Act of 1973, 29 U.S.C. 794

CFR Part 42, Subpart F, "Coordination of Enforcement of Nondiscrimination in Federally Assisted Programs"

CFR Part 1605, "Guidelines on Discrimination Because of Religion"

29 CFR Part 1606, "Guidelines on Discrimination Because of National Origin" 29 CFR Part 1607, "Uniform Guidelines on Employee Selection Procedures" 29 CFR Part 1620, "The Equal Pay Act"

29 CFR Part 1625, "Age Discrimination in Employment Act"

49 CFR Part 21, "Nondiscrimination in Federally Assisted Programs of the Department of Transportation-Effectuation of Title VI of the Civil Rights Act of 1964"

49 CFR Part 27, "Nondiscrimination on the Basis of Handicap in Financial Assistance Programs" Part II, Section 110(a) of the FTA Standard Grant Contract, dated 9-87

Section 2 – Dissemination

According to the U.S. Department of Transportation's FTA C 4701.1A circular dated October 31, 2016, and revised April 1, 2017, public transit agencies receiving federal funding assistance in excess of \$1,000,000 in the previous federal fiscal year and employing 50 or more transit-related employees must prepare, implement, and evaluate a formalized EEO Plan (EEOP). Formalized communication mechanisms have been established to publicize and disseminate Danville Transit's policies to its employees, applicants, and the general public.

Formalized communication mechanisms are divided into two categories: External dissemination and internal dissemination.

External Dissemination

The EEO Plan will be disseminated under the guidance of the Transportation Services Department Director.

The general guidelines for external dissemination shall be:

All advertisements for employment will contain the following statement, "Danville Transit is an Equal Employment Opportunity Employer" at the bottom of the advertisement.

The Equal Employment Opportunity Plan is posted on Danville Transit's webpage as an employee and applicant resource.

Any employee involved in organizations and/or community groups which have special contacts with minorities and women's groups are encouraged to report to the Transportation Services Director about the existence of such groups. Danville Transit will provide a copy of its EEO policy to these entities.

Internal Dissemination

All new employees, both supervisory and non-supervisory, will be informed of the EEO policy and plan within 90 days of hire.

All employees will undergo EEO retraining. This training will be conducted annually.

The EEO plan, including all policies and procedures, is incorporated into the Personnel Policies. The Transportation Services Director will conduct a semiannual meeting in January and July with Senior Staff to discuss the EEO Plan and its implementation.

Meet with employees and affinity groups to seek input on the plan implementation.

EEO related posters will be posted on employee bulletin boards along with a copy of the EEO policy statement.

The Equal Employment Opportunity Plan (EEOP) is posted on Danville Transit's webpage as an employee and applicant resource.

Section 3 - Designation of Responsibility

The Transportation Services Director is recognized as the point of final authority and responsibility for Danville Transit's EEO Plan. The Director will serve as the EEO Officer and has immediate and continuing administrative responsibility and authority, which is delegated by Danville's City Manager, in matters related to Danville Transit's total equal employment affirmative action obligations. Each Danville Transit Senior Staff team member will be responsible within his/her respective duties for EEO plan implementation and progress.

EEO Officer

The EEO Officer will coordinate and administer the day-to-day operation of the EEO Plan. The responsibilities of the EEO Officer include, but are not limited to, the following:

Developing the EEO policy statement and a written EEO plan.

Assisting management in collecting and analyzing employment data, identifying problem areas, setting goals and timetables, and developing programs to achieve goals.

Designing, implementing, and monitoring internal audit and reporting systems to measure program effectiveness and to determine where progress has been made and where proactive action is needed.

Reviewing the agency's nondiscrimination plan with all managers and supervisors to ensure that the policy is understood.

Concurring in the hiring and promotion process.

In conjunction with human resources, periodically reviewing employment practices policies (e.g., hiring, promotions, and training), complaint policies, reasonable accommodation policies, performance evaluations, and grievance procedures.

Reporting at least semiannually to the City Manager on progress in relation to the agency's goals and on contractor and vendor compliance.

Serving as liaison between the agency; Federal, states, county, and local governments, regulatory agencies; and community groups representing minorities, women, and persons with disabilities, and others.

Maintaining awareness of current EEO laws and regulations, and ensuring the laws and regulations affecting nondiscrimination are disseminated to responsible officials. Investigating complaints of EEO discrimination.

Providing EEO training for employees.

In conjunction with human resources, advising employees and applicants of available training programs and professional development opportunities and the entrance requirements.

Conducting EEO training for all new supervisors or managers within 90 days of their appointment.

Section 3 - Designation of Responsibility (continued)

Maintaining agendas and sign-in sheets for meetings conducted when the EEO policy and its implementation are explained.

Auditing postings of the EEO policy statement to ensure compliance information is posted and up to date.

EEO Officer and all individuals investigating EEO complaints must have EEO investigative training provided by a qualified instructor.

Auditing postings of the EEO policy statement to ensure compliance information is posted and up to date.

Senior Staff (as defined by the Transportation Services Director)

Ensuring that hiring, training, promotion, and development opportunities at all levels of his or her area of responsibility are made without regard to race, color, religion, national origin, sex (including gender identity, sexual orientation, and pregnancy), age, genetic information, disability, veteran status, or other protected class.

Assisting in identifying problem areas.

Reviewing qualifications of employees in areas of responsibility to ensure minorities and women are given full opportunity for transfers and promotions.

Participating in periodic audits to ensure that each agency unit complies.

Taking action to prevent discriminatory behavior in their areas of responsibility, including, but not limited to, sexual harassment.

Ensuring that posters and notices are properly displayed in areas of responsibility.

Ensuring that management and supervisory personnel in their areas of responsibility comply with the spirit and policies of the EEO.

Reporting any claim of discrimination to the City of Danville's City Manager and Human Resource Director.

Cooperating with compliance reviews, government funding agencies, government investigation agencies, and/or the Office of Civil Rights and Labor Relations relative to the discharge of their duties.

Cooperating with the EEO Officer in review of information and investigation of complaints.

Participating actively in periodic audits of all aspects of employment to identify and remove barriers to obstructing the achievement of specified goals and objectives.

Being actively involved with local minority organizations, women's groups, community action organizations, and community service programs designed to promote EEO.

Encouraging employee participation to support the advancement of the EEO Program (e.g., professional development and career growth opportunities, posting promotional opportunities, shadowing, mentoring).

Section 4 - Utilization Analysis

N/A: Section not required

Per FTA's Equal Employment Opportunities (EEO) Circular 4704.1A which went into effect on October 31, 2016, any FTA applicant, recipient, sub-recipient, and contractor who employs between 50-99 transit-related employees and requests or receives capital or operating assistance in excess of \$1million in the previous Federal fiscal year must prepare and maintain an abbreviated EEO program. An abbreviated EEO Program includes the Statement of Policy, Dissemination Plan, Designation of Personnel, Assessment of Employment Practices, Monitoring and Reporting System, EEO Complaint Process, and a Policy Execution section but does not include a Utilization Analysis with Goals and Timetables. Therefore, Danville Transit is not required to complete this section.

Section 5 - Goals and Timetables

N/A: Section not required

Per FTA's Equal Employment Opportunities (EEO) Circular 4704.1A which went into effect on October 31, 2016, any FTA applicant, recipient, sub-recipient, and contractor who employs between 50-99 transit-related employees and requests or receives capital or operating assistance in excess of \$1million in the previous Federal fiscal year must prepare and maintain an abbreviated EEO program. An abbreviated EEO Program includes the Statement of Policy, Dissemination Plan, Designation of Personnel, Assessment of Employment Practices, Monitoring and Reporting System, EEO Complaint Process, and a Policy Execution section but does not include a Utilization Analysis with Goals and Timetables. Therefore, Danville Transit is not required to complete this section.

Section 6 - Assessment of Employment Practices

Danville Transit is fully committed to a workforce that reflects the community we serve. Danville Transit will not tolerate any person being unlawfully excluded from employment or promotion opportunities based on race, color, religion, national origin, sex (including gender identity, sexual orientation, and pregnancy), age, genetic information, disability, veteran status, or other protected class.

Testing

Potential bus driver candidates must pass a drug screening and physical before employment. After completing Danville Transit driver training, a supervisor rides with new bus operators to ensure they are properly trained and feel comfortable with providing service. All new drivers who have been approved to drive in writing by supervisors then meet with the Transportation Services Director to ensure they are knowledgeable of Danville Transit's policies and work rules as well as Danville's policies and procedures.

Promotions and Transfers

Danville Transit encourages its current employees to advance within the organization. Additionally, bus operators are encouraged to learn, and offered training, to work in the office. This cross-training increases the employee's skills and makes them more marketable and competitive for promotions and transfer opportunities.

Training

Beyond required training to perform the duties required of each position, Danville Transit works within its budget to offer additional training opportunities. Bus operators are encouraged to learn, and offered training, to work in the office. This cross training increases the employee's skills and makes them more marketable and competitive for future opportunities as they become available. Office staff and drivers identified for increased responsibilities are offered to complete formal supervisory training based on their existing skills and abilities. Through outreach efforts Danville Transit works with female and minority groups to identify skills needed to fill vacancies and options to gain those skills.

Compensation and Benefits

It is Danville Transit's policy to administer wages and salaries based on the duties of the job performed and the individual's prior work experience, education, performance, and training. The Transportation Services Director shall, prior to the preparation of yearly budget estimates, make an analysis and recommendation on the pay plan. This analysis may include such items as changes in prevailing rates of pay in comparable positions in the public sector, and in the local private sector; recruitment and retention experience; and internal pay relationships among classes.

Disciplinary Procedures and Termination Practices

Danville Transit recognizes the need for clearly defined disciplinary procedures and termination practices. Therefore, these procedures and practices are defined in the City of Danville's personnel handbook.

The Statistical Impact of Employment Practices on Minorities and Women will be documented as required for hires, promotions, training, termination and discipline.

Section 6 - Assessment of Employment Practices (Continued)

Individuals with Disabilities and Veterans - statistical data that show any potential impact of an agency's employment practices on persons with disabilities and veterans including:
number of applicants for employment and promotions in each job category
the number hired and promoted, cross-referenced by sex and race.

Section 7 - Monitoring and Reporting

The Transportation Services Director or his/her designee will conduct a semiannual meeting in January and July with Senior Staff. These meetings serve to discuss the EEO Program and its implementation and meet with employees and affinity groups to seek input on the program implementation. These semiannual meetings will enable Danville Transit to evaluate its EEO Program and take any necessary corrective action regarding the development and execution of programs, goals, and timetables. Following the conclusion of these semiannual meetings, the Transportation Services Director Officer will report the outcomes to Danville's City Manager and the Transportation Advisory Committee.

Section 8 - EEO Complaint Process

Any employee or applicant alleging to be subjected to discrimination, unfair practice, or retaliation on the basis of any of the protected classifications noted in the EEO Policy Statement may file a written complaint within 180 days of the alleged violation to the Transportation Services Director, located at P.O. Box 3300, Danville, Virginia 24543 or by telephone at 434-799-5110. Upon filing the complaint of alleged discrimination, the Transportation Services Director will proceed with an investigation to determine if there has been a violation of this policy.

If for some reason an employee or applicant does not want to bring a complaint to the Transportation Services Director, then the employee should contact the City of Danville's Human Resource Director concerning the complaint. The Transportation Services Director can be contacted by writing to P.O. Box 3300, Danville, Virginia 24543 or by telephone at 434-799-5241. The Human Resources Director will communicate and provide the results of his or her investigation to the Transportation Services Director.

Confidentiality will be maintained to the extent practical to conduct a full investigation to decide. All employees are required to fully cooperate during the course of an investigation.

If it is determined that a violation of this Policy has occurred, Danville Transit will take immediate action to remedy the situation. Any employee who is found to have violated this policy may be subject to disciplinary action, up to and including termination.

Section 9 - Policy Execution

This Equal Employment Opportunity policy has been executed this day, June 7, 2022

Marc Adelman, Transportation Services Director, EEO Officer Danville Transit
Name and Title

Appendix A - Description of Job Categories

Officials and Administrators

Occupations requiring administrative personnel who set broad policies, exercise overall responsibility for execution of these policies, and direct individual departments or special phases of an agency's operation does not include sworn administrators. Examples: Executives, middle management, plan managers, department managers, superintendents, salaried supervisors who are members of management, purchasing agents, and buyers.

Professionals

An occupation requiring either a college degree or experience of such a kind provides a comparable background does not include sworn professionals. Examples: Attorneys, accountants, auditors, airplane pilots, navigators, architects, artists, chemist, designers, dietitians, editors, engineers, librarians, mathematicians, natural scientists, registered professional nurses, personnel and labor relations workers, physical scientist, physicians, social scientist, and teachers, research assistants, medical aides, child support worker, welfare service aides, library assistants and clerks, and ambulance attendants.

Technicians

Occupations requiring a combination of basic scientific knowledge and manual skill which can be obtained through two years of post-high school education, such as may be obtained through a junior college, technical institute, or through equivalent on the job training. Examples: Computer programmers, computer operators, drafting aides, electricians, engineering aides, junior engineer, mathematical aides, licensed practical or vocational nurses, photographers, radio operators, scientific assistants, surveyors, technical illustrators, medical technicians, dental technicians, electronic technicians, and physical science technicians.

Protective Service Workers

All sworn and non-sworn occupations relating to the protection of people and property.

Examples: Police officers, firefighters, security guards, fire protection guards, animal control workers, detectives, sworn investigators, bailiffs, correctional officers, wardens, marshals, sheriffs, deputies, harbor-patrol officers, and park rangers. Protective Service Breakdown:

- a) Officials -all sworn officers beyond entry-level (Sergeants, Lieutenants, Captains, etc.)
- b) Patrol officers - all entry-level officers.

Paraprofessionals

Occupations requiring basic semi-professional skills, which may be obtained through a year of post high school education, such as, may be obtained through a junior college or through equivalent on the job training. Examples: Paralegals, legal assistants, bookkeepers, insurance agents, real estate agents, and personnel assistants.

Appendix A - Description of Job Categories (continued)

Administrative Support (Including Clerical and Sales)

Includes all clerical type work, regardless of the level of difficulty, where the duties are predominantly non-manual, although some manual work not directly involved with altering or transporting the products is included. Examples: Cashiers, **bill** collectors, account collectors, messengers, office helpers, office machine operators, shipping and receiving clerks, stenographers, typist, secretaries, and receptionist.

Skilled Craft Workers

Manual workers who typically operate machine or processing equipment or perform other factory type duties of a skill level that can be mastered after an extensive period of training. Examples: Mechanics, repairers, skilled machine operators, typesetters, engravers, motion picture projectionists, stationary engineers, tailors, apprentices, delivery workers, motor operators, photographic process workers, truck and tractor drivers, welders, flame cutters, plumbers, bricklayers, carpenters, machinists, metalworkers, and auto attendants.

Service-Maintenance

Occupations in which workers perform duties, which result in or contribute to the comfort, convenience, or hygiene of the general public or which contribute to the upkeep and care of buildings, facilities, or grounds of public property. Examples: Bus drivers, cleaners, cafeteria workers, maintenance workers, and garbage laborers.

Source: www.eeoc.gov

Appendix B - EEO Job Categories at Danville Transit

Job Group 1 - Officials and Managers

Transportation Services Director
Division Director
Senior Administrative Assistant
Transportation Supervisor

Job Group 2 - Professionals

Job Group 3 - Technicians

Job Group 5 - Paraprofessionals

Job Group 6 -Administrative Support Workers

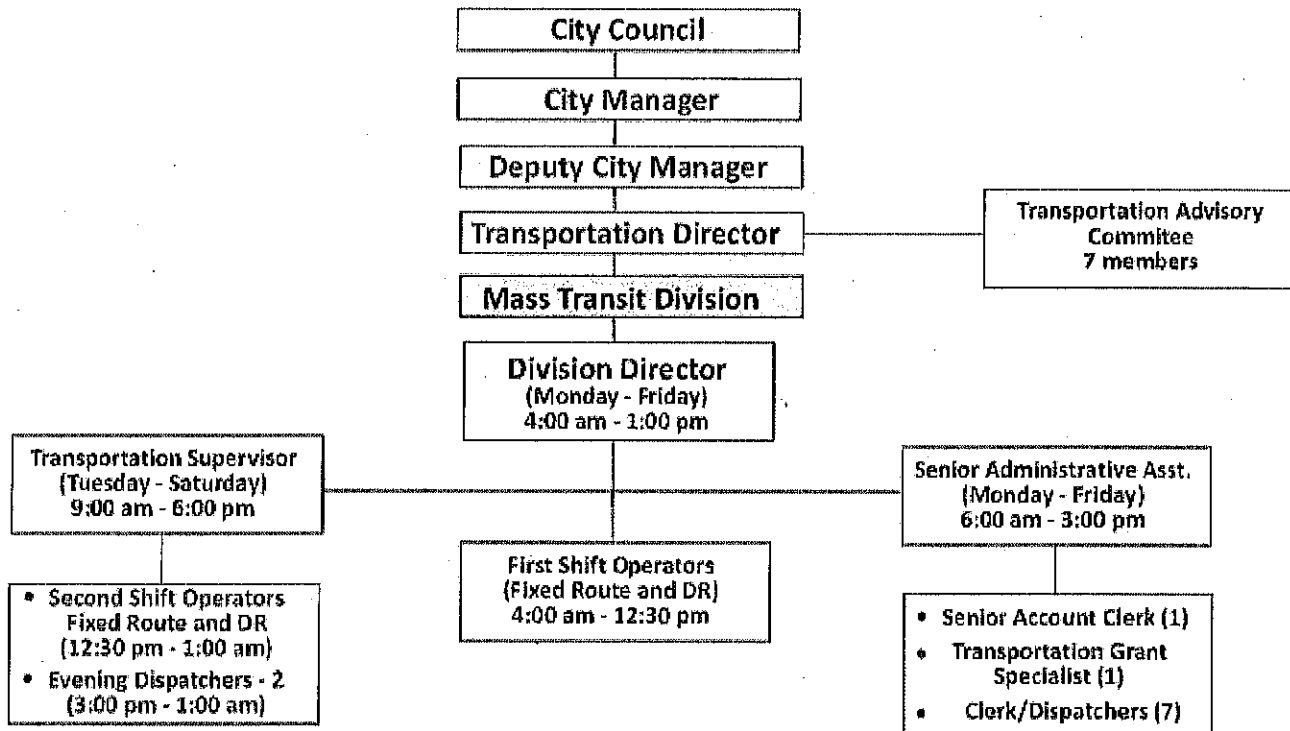
Transportation Dispatcher
Account Clerk Dispatchers

Job Group 7 -Skilled Craft Workers

Job Group 8 -Service-Maintenance Workers

Bus Drivers

Appendix C - Organizational Chart



Danville Transit's mechanic is supervised
by the Department of Public Works

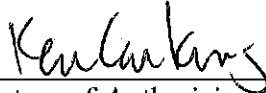
Note:

Total Transit Workforce of 50 employees as of 6/3/2022.

Total 50 consisting of 20 males of which 9 are White Male, 10 are Black Male, 1 Asian. 30 females of which 9 are White Female, 20 are Black Female and one Hispanic/Latino.

Appendix D- Danville City Council Acknowledgement

I hereby acknowledge the receipt of the Danville Transit's EEO Policy and Program. Danville City Council reviewed and approved the EEO Policy and Program. We are committed to ensuring that no person is unlawfully excluded from employment opportunities based on race, color, religion, national origin, sex (including gender identity, sexual orientation, and pregnancy), age, genetic information, disability, veteran status, or other protected class.



Signature of Authorizing Official
Kenneth F. Larking, City Manager

Council Letter

City of Danville, Virginia



CL-2792

New Business E.

City Council Regular Meeting

Meeting Date: 07/05/2022

Subject: Moral Obligation for White Mill Development

From: Corrie Bobe, Director of Economic Development

COUNCIL ACTION

Business Meeting: 07/05/2022

SUMMARY

This action will provide a moral obligation from the City of Danville to American National Bank & Trust Company to finance a project at 424 Memorial Drive, that is currently owned by the Industrial Development Authority under an entity named 424 Memorial Drive LLC. The project will cover the cost of constructing approximately 110,675 square feet of commercial space and 84,773 square feet of parking, also known as "Condo 1" within the building. In addition, construction financing will include making improvements to the exterior of the upper three floors of the eastern 1/3rd of the building and cover the IDA's portion of exterior site development costs. American National Bank has committed a loan of \$26,500,000. This moral obligation agreement between the City and the Bank is the typical agreement that has been used several times in recent years to secure financing for IDA projects.

BACKGROUND

The Industrial Development Authority of Danville, Virginia purchased the White Mill property located at 424 Memorial Drive in the River District in 2017. Later that year, the IDA transferred this property into a Limited Liability Company named 424 Memorial Drive LLC, which is fully owned by the IDA, to ensure that this property was grandfathered into a past Federal Historic Tax Credit program structure. In May 2021, the IDA and Wisconsin-based development firm, The Alexander Company, announced that it would enter into a joint venture to redevelop this historic structure over two phases. During the first phase of development, The Alexander Company will convert the western 2/3rds of the building on Floors 2 through 4 into 150 residential units and the IDA will redevelop the first floor into commercial space available to lease and the lower level into parking (collectively referred to as "Condo 1"). In addition to renovating the lower level and first floor, the IDA will also make exterior improvements to the upper three floors of the eastern 1/3rd of the building as part of this first phase and cover the IDA's portion of exterior site development costs. American National Bank is requesting perfected security interest in the White Mill Condominium unit property owned by the IDA or its designated tax credit entity and known as 424 Memorial Drive, LLC. This property will total 110,675 square feet of commercial space and 84,773 square feet of parking space (Condo 1). In addition, American National is requesting a cash deposit in the amount of \$2.15 million pledged to the loan until stabilization.

RECOMMENDATION

Staff recommends that City Council approve the attached Moral Obligation Agreement for City of Danville and the Resolution authorizing the City Manager to enter into such an agreement with American National Bank and Trust Company in the amount of \$26,500,000.

Attachments

Resolution

Attachment 1

Attachment 2

PRESENTED: _____

ADOPTED: _____

RESOLUTION NO. 2022-_____-_____

A RESOLUTION APPROVING AND AUTHORIZING THE EXECUTION OF A MORAL OBLIGATION AGREEMENT BY AND BETWEEN THE CITY OF DANVILLE, VIRGINIA AND AMERICAN NATIONAL BANK AND TRUST COMPANY.

NOW THEREFORE, BE IT RESOLVED, by the Council of the City of Danville, Virginia, that a Moral Obligation Agreement, substantially in the form attached hereto and made a part hereof, between the City of Danville and American National Bank and Trust Company be, and the same hereby is, approved; and

BE IT FURTHER RESOLVED, that the City Manager, or his designee, be, and he is hereby, authorized and directed to execute such Moral Obligation Agreement on behalf of the City.

APPROVED:

Mayor

ATTEST:

City Clerk

Approved as to
Form and Legal Sufficiency:

City Attorney

MORAL OBLIGATION AGREEMENT OF CITY OF DANVILLE

THIS MORAL OBLIGATION AGREEMENT made as of the ____ day of _____, 2022, by and between the **CITY OF DANVILLE, VIRGINIA**, a political subdivision of the Commonwealth of Virginia (the “**City**”), and **AMERICAN NATIONAL BANK AND TRUST COMPANY**, a national banking association (“**American National**”), to-wit:

BACKGROUND

A. The Industrial Development Authority of Danville, Virginia (the “**Authority**”), was created under the Industrial Development and Revenue Bond Act (§15.2-4900 et seq.) of the Code of Virginia to promote development, industry and trade.

B. In an effort to redevelop the historic White Mill property in the City of Danville, and thereby promote development and the local economy, the Authority is renovating approximately 110,675 square feet of commercial space and 84,773 square feet of parking, also known as “Condo 1” within the building, in addition to making improvements to the exterior of the upper three floors of the eastern 1/3rd of the building (the “**Project**”) at the property located at 424 Memorial Drive.

C. The Authority has obtained a commitment from American National to finance up to Twenty Six Million Five Hundred Thousand and 00/100 Dollars (\$26,500,000.00) (the “**Loan**”) of the projected costs of construction of the Project, and, as part of that financing commitment, American National requires the moral obligation of the City to repay the Loan with American National in the event that the Authority fails to do so.

NOW, THEREFORE, for and in consideration of the foregoing promises and the mutual benefit to be derived therefrom and other good and valuable consideration, the receipt and sufficiency of which are hereby acknowledged, the parties hereto agree as follows:

1. In the event the Authority fails to repay the indebtedness associated with the Loan, in the principal amount not to exceed Twenty Six Million Five Hundred Thousand and 00/100 Dollars (\$26,500,000.00) provided by American National, in accordance with the terms of its repayment stated therein, the City hereby acknowledges that, to the extent permitted by law, it has a moral obligation to pay American National such amounts otherwise due from and payable by the Authority. In the event of nonpayment by the Authority, American National, by its duly authorized representative, shall submit an appropriation request to the City in the amount sufficient to make current payments on the Loan then due American National by the Authority and other amounts, if any, in order to protect and maintain the Authority’s ownership interest in the Project (collectively, the “**Deficiency Amount**”). Subject to the making of an appropriation pursuant to the provisions of this Paragraph 1, the City shall pay American National the amount of such appropriation as soon as practicable.

2. American National shall apply any funds so appropriated and paid to it by the City pursuant to this Agreement toward the Authority’s obligations under the Loan provided to it by American National.

3. Until such time that there is no longer a Deficiency Amount, the City Manager of the City (the “**City Manager**”) shall include any Deficiency Amount due American National with respect to the Loan in his budget submitted to the City Council for the following fiscal year as an amount to be appropriated to or in respect of the Project. The City Manager shall deliver to American National, within

fifteen (15) days after the adoption of the City's budget for each fiscal year in which a Deficiency Amount was requested as provided herein, but not later than July 15 of each year, a letter, on letterhead of the City Manager's Office, stating whether the City Council has appropriated for payment to American National an amount equal to the Deficiency Amount.

4. If at any time American National believes there is a Deficiency Amount or that amounts appropriated by City Council are insufficient to fulfill the Authority's Loan obligations, American National shall notify the City Manager of the Deficiency Amount or such insufficiency and the City Manager shall request a supplemental appropriation from City Council in the amount necessary to make such payment.

5. The City Manager shall present each request for appropriation pursuant to Paragraph 4 above to City Council and City Council shall consider such request at City Council's next regularly scheduled meeting at which it is possible to satisfy any applicable notification and all other legal requirements. Not later than five (5) business days after such meeting, the City Manager shall notify American National as to whether the amount so requested was appropriated. If City Council shall fail to make any such appropriation, the City Manager shall add the amount of such requested appropriation to the amount to be requested in the next fiscal year.

6. The City Council hereby undertakes a non-binding obligation to appropriate such amounts as may be requested from time to time pursuant to Paragraphs 3, 4 and 5 above, to the fullest degree and in such manner as is consistent with the Constitution and laws of the Commonwealth of Virginia. The City Council, while recognizing that it is not empowered to make any binding commitment to make such appropriations in future fiscal years, hereby states its intent to make such appropriations, as may be necessary, consistent with this Agreement.

7. Nothing herein contained is or shall be deemed to be a lending of the credit of the City to American National, the Authority, the Project or to any other person or entity (unless specifically set forth otherwise), and nothing herein contained is or shall be deemed to be a pledge of the faith and credit or the taxing power of the City, nor shall anything herein contained legally bind or obligate the City Council to appropriate funds for the purposes described herein.

8. Any notices or requests required to be given hereunder shall be deemed given if hand-delivered or sent by registered or certified mail, postage prepaid, addressed as follows:

If to the City: City of Danville, Virginia
 Municipal Building, Patton Street
 P. O. Box 3300
 Danville, VA 24543
 Attention: City Manager

With a copy to: The City Attorney's Office
 Municipal Building, Patton Street
 P.O. Box 3300
 Danville, VA 24543
 (434) 799-5122

If to American National: American National Bank and Trust Company
628 Main Street
P. O. Box 191
Danville, VA 24543
Attention: President

9. If any clause, provision, or paragraph of this Agreement shall be held illegal or invalid by a court, the illegality or invalidity of such clause, provision, or paragraph shall not affect any of the remaining clauses, provisions, or paragraphs hereof, and this Agreement shall be construed and enforced as if such illegal or invalid clause, provision, or paragraph had not been contained herein. In case any question should arise as to whether any provision contained herein shall be in violation of law, then such provision shall be construed to be the agreement of the parties hereto to the full extent permitted by law.

10. This Moral Obligation Agreement supersedes all prior understandings and agreements of the parties with respect to the subject matter hereof and contains the entire agreement and understanding of the parties in connection with the transactions contemplated hereby.

IN WITNESS WHEREOF, the City of Danville, Virginia has caused its name to be subscribed hereunto by its City Manager, as authorized and directed by the City Council, City of Danville, and its seal to be hereto affixed and attested by the City Clerk, and American National has caused its name to be subscribed hereunto by Ted R. Laws, its duly authorized representative, all as of the date first above written.

CITY COUNCIL, CITY OF DANVILLE

By: _____
Name: **Ken Larking**
Title: **City Manager**

(SEAL)

Attest:

City Clerk

AMERICAN NATIONAL BANK AND TRUST COMPANY

By: _____
Name: **Ted R. Laws**
Title: **Danville Region Market President**

(SEAL)

Summary of Proposed Terms and Conditions

Industrial Development Authority of Danville, VA

June 24, 2022

Be advised that this document is **not** a commitment to lend, but rather an indication of the terms and conditions upon which American National Bank and Trust Company ("Bank") would consider providing The Industrial Development Authority of Danville, VA (and/or assigns) the loan described below. The transaction being contemplated herein would be subject to Bank's standard commercial lending terms and conditions which would be more fully described in a commitment letter to the Borrower. Additionally, credit approval would be subject to receipt and satisfactory review of additional requested financial information, appraisals, surveys, and other necessary information. Terms as listed herein are subject to change based upon any final credit approval.

Borrower: The Industrial Development Authority of Danville, VA and its Tax Credit "for Profit" entity
424 Memorial Drive, LLC

Amount: Up to Twenty-six million five hundred thousand Dollars (\$26,500,000) plus costs, not to exceed the Bank's standard Loan to Value percentage based on the collateral type. VCC to participate in the financing by owning Six Million Five hundred thousand (\$6,500,000) of the above amount.

Purpose: Provide a Construction Permanent financing to facilitate the renovation and re-development of 110,675 sq. ft. of retail and commercial space and 84,773 sq. ft. of parking space in the White Mill redevelopment project located in Danville VA.

Rate and Terms: Option 1: For the life of the loan (8 years), the loan will have an adjustable interest rate of the WSJ Prime rate plus zero, The initial interest rate will be set at the corresponding rate with no additional margin. The interest rate will have a lifetime floor of 3.50% and cap of 6.50%. The loan will have a term of 96 months. Payments of interest will be due during the construction period of up to 36 months followed by regular monthly principal and Interest payments for the remainder of the term. Amortization will be over 240 months.

Option Two: For the life of the loan (8 years), the loan will have a fixed interest rate of 5.50% The loan will have a term of 96 months. Payments of interest will be due during the construction period of up to 36 months followed by regular monthly principal and Interest payments for the remainder of the term. Amortization will be over 240 months.

Collateral: A perfected security interest in the White Mill Condominium unit property owned by The IDA of Danville or its designated Tax credit entity and known as 424 Memorial Drive, LLC This property

shall be 110,675 sq. ft. of retail and commercial space and 84,773 sq. ft. of parking space and designated as Condo unit 1 of the project.

Cash deposit by the IDA in the amount of \$2.65MM Pledged to the loan until stabilization, which would be 1.10X DSC for 6 months.

- Guarantors: The moral obligation of the City of Danville for the full Loan balance (\$26.50MM.)
- Covenants: Minimum DSC for the collateral property of 1.10X at stabilization, to begin at IDA's fiscal year end 6-30-2025
- Closing Costs: The Borrower shall pay all costs (which may be financed) and expenses incurred by the Bank in connection with the proposed transaction.
- Fees: An origination fee of 1.0% shall be due at loan closing
- Financial Information: Borrower's financials to be up to date and current at time of closing. The Bank will require annual collection of complete financial statements.
- Deposits: The Borrower will maintain its primary deposit relationship with the Bank.
- Prepayment: No prepayment shall be allowed during construction. The penalty for early prepayment shall begin at the permanent portion of the loan and shall be 2% for years one and two and 1% for years three and four if the loan is refinanced with another lender.
- Other Conditions: All applicable formal Bank approvals and documentation of security interests

The information contained herein is confidential, for the sole benefit of the proposed borrower and should not be shared with unrelated third parties without the consent of Bank. The proposed terms outlined above, in particular the interest rate and fees, will expire 30 business days from the date of this term sheet.

Thank you for including American National Bank and Trust Company in your search for financing on this project. We look forward to working with you and your company on this and future projects.

Sincerely,

Ted R. Laws
Senior Vice President

Council Letter

City of Danville, Virginia



CL-2401

New Business F.

City Council Regular Meeting

Meeting Date: 07/05/2022

Subject: Long Mill Dam

From: Ken F. Larking, City Manager

COUNCIL ACTION

Business Meeting: 07/05/2022

SUMMARY

Later this year, the City plans to begin construction of the River Front Park. The Park will be near the Long Mill Dam and have features that bring people close to the river. For the safety of the public, staff is recommending that the Long Mill Dam be removed. The dam no longer serves any useful purpose. There is concern that, with more people in the area visiting the future park, the renovated White Mill Bridge, River Walk Trail extension, and the redeveloped White Mill, there will be more potential for people to be harmed by the existence of the dam. The dam also puts first responders at greater risk, should they be called upon to rescue people in distress.

In addition to the public safety benefit, there are permitting and environmental benefits associated with removal of the dam. In order to build some planned features of the future park, there are state and federal permits that are necessary. Including removal of the dam in these permit applications will make it more likely for the planned features like the overlook to be permitted, because the dam's removal will reduce the flood plain on adjacent properties. Also, according to the Nature Conservancy, "removing obsolete or derelict dams gives rivers more access to natural features—like floodplains, wetlands, side channels and marshes—which can help: improve water quality; support healthier, native plant communities; enhance fish and wildlife habitat; create or enhance recreational opportunities; recharge important aquifers; and, in cases, reduce flood risks for communities." The Department of Game and Inland Fisheries supports removal of the dam.

BACKGROUND

In 2012, the Long Mill Dam was deeded to the City of Danville. The dam was constructed around 1894 by Dan River Power & Manufacturing Company. The dam is approximately 5' tall, 1,150 feet in length and is considered a low head dam.

The dam is characterized as a low-head dam. According to the American Society of Civil Engineers (ASCE), "A low head dam is a manufactured structure, built in a river or stream channel, extending fully across the banks. A low head dam is designed and built such that water flows continuously over the crest from bank to bank. If water levels rise downstream, a submerged hydraulic jump can form which produces an upstream directed current that traps any recreationist who might go over the dam." These dams are sometimes referred to as "drowning machines" because of the hazard they pose to recreational users of rivers.

In April 2010, at what was the Brantley Dam, a five-year-old boy died after falling out of the boat he was in and was caught up in the circulating current that was caused by the dam. The City removed that dam in 2011. In August 2020, one adult was injured, and another adult died after their canoe went over the Long Mill Dam and overturned. Last year, five people died in Eden after the tubes they were in went over a low-head dam on the Dan River near Eden, North Carolina. Earlier this month, 12 people were involved in an accident on the James River when they went over a dam. Two of those people died.

Since the dam no longer provides any useful purpose, is a hazard to the public and first responders, and will aid in the permitting process for construction of the River Front Park, staff is recommending that the dam be demolished and the Dan River be restored to its natural state. After extensive investigation of the river bed in that area, we anticipate that this section of the River will look similar to the section downstream of the dam with large rocky features showing above the waterline when the river is at its natural level.

The Union Street Dam, which is further up stream, is not under consideration for removal. That dam will be necessary in order to control the volume of water into the planned white water feature, which will be located where the canal is on the south side of the White Mill.

RECOMMENDATION

Staff recommends that the City Council adopt a resolution authorizing removal of the Long Mill Dam located on the Dan River adjacent to the YMCA.

Attachments

Resolution

Dam Removal Rendering

PRESENTED: _____

ADOPTED: _____

RESOLUTION NO. 2022-_____._____

A RESOLUTION AUTHORIZING REMOVAL OF THE LONG MILL DAM LOCATED ON THE DAN RIVER ADJACENT TO THE YMCA.

WHEREAS, the Long Mill building no longer exists; and

WHEREAS, the Long Mill Dam no longer serves the function it was originally constructed for; and

WHEREAS, this dam is considered a low head dam which poses a risk to recreational users; and

WHEREAS, the ownership of this dam was transferred to the City of Danville in 2012 by a Deed of Gift; and

WHEREAS, the removal of this dam will eliminate the city's liability associated with this dam; and

WHEREAS, the removal of this dam will improve recreational safety, it will improve the ecosystem of the Dan River and should positively impact the floodplain; and

WHEREAS, the removal of this dam will enable the City to fully build out all the planned features of the future River Front Park, which will require state and federal permits, due to the location in the flood plain; and

WHEREAS, the Department of Game and Inland Fisheries supports removal of the dam; and

WHEREAS, an interpretive panel may be placed that discusses the history of the Long Mill Dam.

NOW THEREFORE, BE IT RESOLVED, that the Council of the City of Danville, Virginia, hereby authorizes the entire removal of the Long Mill Dam.

APPROVED:

Mayor

ATTEST:

City Clerk

Approved as to
Form and Legal Sufficiency:

City Attorney



Council Letter

City of Danville, Virginia



CL-2783

New Business G.

City Council Regular Meeting

Meeting Date: 07/05/2022

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