



DANVILLE CITY COUNCIL REGULAR REVISED MEETING AGENDA

MUNICIPAL BUILDING

April 7, 2020

7:00 P.M.

PRESIDING: Alonzo L. Jones, Mayor

CITY COUNCIL MEMBERS:

James B. Buckner	Fred O. Shanks, III
L.G. "Larry" Campbell, Jr.	Adam J. Tomer
Dr. Gary P. Miller	J. Lee Vogler, Jr., Vice Mayor
Sherman M. Saunders	Madison J. Whittle

STAFF:

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

NOTE: Council Members James Buckner and Adam Tomer are participating electronically from their homes pursuant to Virginia Code § 2.2-3708.2 (A)(1)(a).

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 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. Due to ongoing health concerns related to COVID-19, the City of Danville is modifying the structure of City Council meetings allowing for "virtual" meetings. Council chambers will be modified to allow for proper social distancing and some council members may participate remotely.

Communications from Visitors and Public Hearings

Communication from Visitors is an opportunity for citizens to address Council on matters not on the agenda. Though the municipal building is closed to the public, accommodations have been made to still allow public comments by encouraging citizens to provide comments for Communications from Visitors and Public Hearings on agenda items ahead of time. There will be two options for submissions: online at danvilleva.gov/council or by phone using this number: (434) 857-3348.

Comments submitted via these formats will be collected and distributed to all city council members, and published with the minutes of the April 7, 2020 meeting. Comments will be collected through April 6, 2020 at 5:00 p.m.

MEETING CALLED TO ORDER

ROLL CALL

EMERGENCY DECLARATIONS

- A. Consideration of Approving Continuity of Operations Associated with the Pandemic Disaster.
Council Letter Number CL - 2317.

An Emergency Ordinance to Effectuate Temporary Changes in Certain Deadlines and to Modify Public Meeting and Public Hearing Practices and Procedures to Address Continuity of Operations Associated with Pandemic Disaster.

- B. Consideration of Approving the Declaration of Local Emergency and Amended Declaration of Local Emergency.
Council Letter Number CL - 2316.

A Resolution Confirming the City Manager's Declaration and Amended Declaration of a State of Local Emergency and Disaster Due to the Occurrence of the COVID-19 Pandemic in Accordance with Virginia Code Sections 44-146.21 and 44-146.16.

INVOCATION - Dr. Gary P. Miller

PLEDGE OF ALLEGIANCE TO THE FLAG

CONSENT AGENDA

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

- A. Consideration of Approval of Minutes from Regular Council Meeting held on February 18, 2020, and Regular Council Meeting held on March 3, 2020.
Council Letter Number CL - 2301.

- B. Consideration of Amending the Fiscal Year 2020 Budget Appropriation Ordinance for Grant Funds for Food Service Operations at W.W. Moore Jr., Detention Home in the Amount of \$45,743.
Council Letter Number CL - 2281.

An Ordinance Amending the Fiscal Year 2020 Budget Appropriation Ordinance for a Federal Grant in the Amount of Approximately \$45,743 to Aid the Food Service Operations at W.W. Moore, Jr. Detention Home and Appropriating Same.

FINAL ADOPTION

- C. Consideration of Amending the Fiscal Year Budget Appropriation Ordinance for Virginia Juvenile Justice System Grant Funds and Local Match for a Total of \$126,829.
Council Letter Number CL - 2282.

An Ordinance Amending the Fiscal Year 2020 Budget Appropriation Ordinance for a Grant from the Department of Juvenile Justice in the Amount of \$86,999 and a Local Share of \$39,830, for a Total Appropriation of \$126,829, to Provide for the Electronic Monitoring and Outreach Detention Programs and Supervision Plan Services for the City of Danville at the W.W. Moore Jr. Detention Home and Appropriating Same.

FINAL ADOPTION

APPOINTMENTS

- A. Consideration of Appointments to Boards and Commissions.
Council Letter Number CL - 2302.
1. A Resolution Appointing Cheryl Terry to the Airport Commission to fill an Unexpired Term.
 2. A Resolution Appointing Michael Sheetz to the Dan River Alcohol Safety Action Program.
 3. A Resolution Appointing Robert David to the Danville Community College Board to fill an Unexpired Term.

NEW BUSINESS

- A. Consideration of Authorizing the Execution of an Amendment to the Cost and Revenue Sharing Agreement, and Approving the Amended Bylaws, with the Staunton River Regional Industrial Facility Authority.
Council Letter Number CL - 2300.
1. Public Hearing
 2. A Resolution Approving and Authorizing the Form of the Amended and Restated Staunton River Regional Industrial Facility Authority Cost and Revenue Sharing Agreement Among the County of Pittsylvania, Virginia, the Town of Hurt, Virginia, and the City of Danville, Virginia.
 3. A Resolution Approving and Authorizing the Form of the Amended and Restated Staunton River Regional Industrial Facility Authority Bylaws Among the County of Pittsylvania, Virginia, the Town of Hurt, Virginia, and the City of Danville, Virginia.
- B. Consideration of Amending the Fiscal Year 2020 Budget Appropriation Ordinance in the Amount of \$194,876 for the Recreation Enrichment Program.
Council Letter Number CL - 2283.

An Ordinance Amending the Fiscal Year 2020 Budget Appropriation Ordinance to Provide for Funds in the Amount of \$55,220 for a Recreation Enrichment Program and the Local In-Kind Share of \$139,656 for a Total Appropriation of \$194,876 and Appropriation of Same.

FIRST READING

- C. Consideration of Amending the Fiscal Year 2020 Budget Appropriation Ordinance for Grant Funding to Promote Aviation Awareness at the Danville Regional Airport in the Amount of \$15,000.
Council Letter Number CL - 2293.

An Ordinance Amending the Fiscal Year 2020 Budget Appropriation Ordinance to Provide for a State Department of Aviation Grant for the Purpose of Providing Funding to Promote Aviation Awareness at the Danville Regional Airport in the Amount of \$7,500 and for the Local Share in the Amount of \$7,500 to be Provided by the General Fund Support of Grants for a Total Appropriation of \$15,000 and Appropriating Same.

FIRST READING

- D. Consideration of Amending the Fiscal Year 2020 Budget Appropriation Ordinance for State Aviation Funding, and Local Share for a total Amount of \$180,000.
Council Letter Number CL - 2294.

An Ordinance Amending the Fiscal Year 2020 Budget Appropriation Ordinance to Provide for Additional State Aviation Funding for the Purpose of Completing Terminal Building Improvements to Update the Heating and Air Conditioning System in the Amount of \$150,400 Plus Local Share in the Amount of \$37,600 to be Provided by a Transfer from the General Fund Support of Special Grants and Appropriating Same.

FIRST READING

- E. Consideration of Approving and Authorizing the Support of Minor League Baseball in the City of Danville.
Council Letter Number CL - 2308.

A Resolution Approving and Authorizing the Support of Minor League Baseball in the City of Danville, Virginia.

ADJOURNMENT

Council Letter

City of Danville, Virginia



CL-2317

A.

City Council Regular Meeting

Meeting Date: 04/07/2020

Subject: Continuity of Operations - City of Danville

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

COUNCIL ACTION

Business Meeting: 04/07/2020

SUMMARY

The attached ordinance allows for variances from state laws and city ordinances in order to protect the health, safety, and welfare of residents and employees from the spread of COVID-19 while still providing for government operations to continue during this state of emergency. This resolution for City Councils and other public bodies incorporates transparency and public input, enabling public meetings to proceed virtually during this emergency.

BACKGROUND

The COVID-19 coronavirus has disrupted all of our lives. Local governments have the challenge to continue government operations during this time. Residents and business expect City Council and all of its boards and commissions to govern.

The current framework of the Freedom of information act (FOIA) does not clearly anticipate the pandemic, which we are experiencing. The Governor's Directives, limiting gatherings of people, create an additional challenge to local officials as the City strive to conduct business in an open environment.

Local government must meet its obligations in a transparent, accessible, consistent manner, while following executive orders and state and federal directives to keep residents, Council members, and staff safe, and prevent community virus spread.

RECOMMENDATION

It is recommended that City Council approve the emergency ordinance to effectuate temporary changes in certain deadlines and to modify public meeting and public hearing practices and procedures to address continuity of operations associated with pandemic disaster.

Attachments

Resolution

PRESENTED: _____

ADOPTED: _____

RESOLUTION NO. 2020-_____.____

AN EMERGENCY ORDINANCE TO EFFECTUATE TEMPORARY CHANGES IN CERTAIN DEADLINES AND TO MODIFY PUBLIC MEETING AND PUBLIC HEARING PRACTICES AND PROCEDURES TO ADDRESS CONTINUITY OF OPERATIONS ASSOCIATED WITH PANDEMIC DISASTER.

WHEREAS, on March 11, 2020, the World Health Organization declared the COVID-19 outbreak a pandemic; and

WHEREAS, on March 12, 2020, Governor Ralph S. Northam issued Executive Order Fifty-One declaring a state of emergency for the Commonwealth of Virginia arising from the novel Coronavirus (COVID-19) pandemic; and

WHEREAS, Executive Order Fifty-One acknowledged the existence of a public health emergency which constitutes a disaster as defined by Virginia Code § 44-146.16 arising from the public health threat presented by a communicable disease anticipated to spread; and

WHEREAS, Executive Order Fifty-One ordered implementation of the Commonwealth of Virginia Emergency Operations Plan, activation of the Virginia Emergency Operations Center to provide assistance to local governments, and authorization for executive branch agencies to waive “any state requirement or regulation” as appropriate; and

WHEREAS, on March 13, 2020, the President of the United States declared a national emergency, beginning March 1, 2020, in response to the spread of COVID-19; and

WHEREAS, on March 17, 2020, in accordance with Virginia Code § 44-146.21, the City of Danville Director of Emergency Management declared a local state of emergency in the City of Danville; and

WHEREAS, on March 27, 2020, in accordance with Virginia Code § 44-146.21, the City of Danville Director of Emergency Management amended his declaration of a local state of emergency in the City of Danville; and

WHEREAS, on April 7, 2020 the Council of the City of Danville, Virginia confirmed both the declaration and amended declaration of local emergency made by the local director of emergency management on March 17, 2020 and March 27, 2020 respectively; and

WHEREAS, the City Council finds that COVID-19 constitutes a real and substantial threat to public health and safety and constitutes a “disaster” as defined by Virginia Code §44-146.16 being a “communicable disease of public health threat;” and

WHEREAS, while the City Council values transparency in government and public engagement, it also finds that emergency measures are necessary to mitigate the spread of COVID-19 and to protect the health, safety, and welfare of residents and employees, while still providing for government operations to continue during this state of emergency; and

WHEREAS, Virginia Code § 15.2-1413 provides that, notwithstanding any contrary provision of law, a locality may, by ordinance, provide a method to assure continuity of government in the event of a disaster for a period not to exceed six months; and

WHEREAS, Virginia Code § 44-146.21(C) further provides that a local director of emergency management or any member of a governing body in his absence may upon the declaration of a local emergency “proceed without regard to time-

consuming procedures and formalities prescribed by law (except mandatory constitutional requirements) pertaining to performance of public work;" and

WHEREAS, Virginia Code § 15.2-1102 provides that the City shall have and may exercise all powers which it now has or which may hereafter be conferred upon or delegated to it under the Constitution and laws of the Commonwealth and all other powers pertinent to the conduct of the affairs and functions of the municipal government, the exercise of which is not expressly prohibited by the Constitution and the general laws of the Commonwealth, and which are necessary or desirable to secure and promote the general welfare of the inhabitants of the municipality and the safety, health, peace, good order, comfort, convenience, morals, trade, commerce and industry of the municipality and the inhabitants thereof, and the enumeration of specific powers shall not be construed or held to be exclusive or as a limitation upon any general grant of power, but shall be construed and held to be in addition to any general grant of power; and

WHEREAS, Virginia Code § 2.2-3708.2(A)(1)(a) allows, a member of a Public Entity who is unable to attend the meeting due to a temporary or permanent disability or other medical condition that prevents the member's physical attendance to participate the meeting; and

WHEREAS, Virginia Code § 2.2-3708.2(A)(3) allows, under certain procedural requirements including public notice and access, that members of City Council may convene solely by electronic means "to address the emergency;" and

WHEREAS, the open public meeting requirements of the Virginia Freedom of Information Act ("FOIA") are limited only by a properly claimed exemption provided under that Act or "any other statute;" and

WHEREAS, the Governor and Health Commissioner of the Commonwealth of Virginia and the President of the United States have recommended suspension of public gatherings of more than ten attendees; and

WHEREAS, the Attorney General of Virginia issued an opinion dated March 20, 2020 stating that localities have the authority during disasters to adopt ordinances to ensure the continuity of government; and

WHEREAS, this emergency ordinance is in response to the disaster, caused by the COVID-19 pandemic, promotes public health, safety and welfare and is consistent with the law of the Commonwealth of Virginia, the Constitution of Virginia and the Constitution of the United States of America.

NOW, THEREFORE, BE IT ORDAINED by the Council of the City of Danville, Virginia that this ordinance allows for variances from state laws and city ordinances in order to protect the health, safety, and welfare of residents and employees from the spread of COVID-19 while still providing for government operations to continue during this state of emergency; and

BE IT FURTHER ORDAINED that:

1. That the COVID-19 pandemic makes it unsafe to assemble in one location a quorum for public bodies including but not limited to the City Council, the School Board, the Planning Commission, Board of Zoning Appeals, Board of Equalization, Employee Retirement System Board of Trustees, Industrial Development Authority of Danville, Virginia, the Danville Community Policy Management Team, and all other local and regional boards, commissions, committees and authorities created by the City Council or to which the City Council appoints all or a portion of its members (collectively "Public Entities" and individually "Public Entity"), or for such Public Entities to conduct meetings in accordance with normal practices and procedures; and
2. That in accordance with Virginia Code § 15.2-1413, and notwithstanding any contrary provision of law, general or special, the following emergency procedures are adopted to ensure the continuity of government during this emergency and disaster:

- a. Any meeting or activities which require the physical presence of members of the Public Entities may be held through real time electronic means (including audio, telephonic, video or other practical electronic medium) without a quorum physically present in one location; and
- b. Prior to holding any such electronic meeting, the Public Entity shall provide public notice of at least 3 days in advance of the electronic meeting identifying how the public may participate or otherwise offer comment; and
- c. Any such electronic meeting of Public Entities shall state on its agenda and at the beginning of such meeting that it is being held pursuant to and in compliance with this Ordinance; identify Public Entity members physically and/or electronically present; identify the persons responsible for receiving public comment; and identify notice of the opportunities for the public to access and participate in such electronic meeting; and
- d. Any such electronic meeting of the Public Entities shall be open to electronic participation by the public and closed to in-person participation by the public; and
- e. For any matters requiring a public hearing and any items for which public comment is permitted, the following rules apply:
 - 1. Normal rules of order apply with respect to requiring the name and home address of the commenter that comments relate to the hearing or comment topic, that appropriate limits on the number of comments per person per item apply, and that comments be of reasonable length.
 - 2. Public Entities may allow public comments to be submitted via phone call, e-mail, or in writing, up until a reasonable time before the start of the meeting so long as those comments are provided to the Public Entities members prior to any decision on an item.
 - 3. If available, members of the public may provide comments through

leaving a voicemail on a dedicated phone number up until a reasonable time before the start of the meeting so long as those comments are then provided to the Public Entity members prior to any decision on an item.

4. The Public Entities may choose to receive additional comments through any means for a period of time after the public hearing or public meeting, so long as it announces and publicizes that opportunity and those comments are provided to the Public Entities members prior to any decision on an item.

5. All public comments shall be made a part of the record of the Public Entities either by being summarized in or included with the meeting minutes.

f. The minutes of all electronic meeting shall conform to the requirements of law, identify how the meeting was conducted, members participating, and specify what actions were taken at the meeting. The Public Entities may approve minutes of an electronic meeting at a subsequent electronic meeting and shall later approve all such minutes at a regular or special meeting after the emergency and disaster has ended; and

g. Any item on an agenda for a regularly scheduled, regular, special, or emergency meeting held hereunder may be continued to a later date or time for the purpose of reviewing and considering comments from the public; and

BE IT FURTHER ORDAINED that this ordinance shall serve as the written policy allowing for and governing participation of any Public Entities members by electronic communication means pursuant to Virginia Code §2.2-3708.2(C)(1). Any member who is unable to attend the meeting due to a temporary or permanent disability or other medical condition that prevents the member's physical attendance to participate in the meeting pursuant to Virginia Code § 2.2-3708.2(A)(1)(a) is hereby approved for participation in the meeting pursuant to Virginia Code §2.2-3708.2(C)(1); and

BE IT FURTHER ORDAINED that notwithstanding any provision of law, regulation or policy to the contrary, any deadlines requiring action by a Public Entity, its officers (including Constitutional Officers) and employees of its organization shall be suspended during this emergency and disaster, however, the Public Entities, officers and employees thereof are encouraged to take such action as is practical and appropriate to meet those deadlines. Failure to meet any such deadlines shall not constitute a default, violation, approval, recommendation or otherwise; and

BE IT FURTHER ORDAINED, that the City Council hereby confirms and ratifies the City Manager's decision to waive any penalty or interest for the payment of lodging and meals taxes due for the month of February so long as said payment is made with the businesses regularly scheduled tax payment for the month of March.

BE IT FURTHER ORDAINED, that non-emergency public hearings and action items of Public Entities may be postponed to a date certain provided that public notice is given so that the public are aware of how and when to present their views; and

BE IT FURTHER ORDAINED, that the provisions of this Emergency Ordinance shall remain in full force and effect, unless amended, rescinded or readopted by the City Council in conformity with the notice provisions set forth in Virginia Code §15.2-1427 but in no event shall such ordinance be effective for more than 6 months. Upon rescission by the City Council or automatic expiration as described herein, this emergency ordinance shall terminate and normal practices and procedures of government shall resume; and

BE IT FURTHER ORDAINED, nothing in this Emergency Ordinance shall prohibit Public Entities from holding in-person public meetings provided that public health and safety measures as well as social distancing are taken into consideration; and

BE IT FINALLY ORDAINED, an emergency is deemed to exist, and this ordinance shall be effective upon its adoption.

APPROVED:

MAYOR

ATTEST:

CLERK

Approved as to
Form and Legal Sufficiency:

City Attorney

Council Letter

City of Danville, Virginia



CL-2316

B.

City Council Regular Meeting

Meeting Date: 04/07/2020

Subject: Declaration of Local Emergency

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

COUNCIL ACTION

Business Meeting: 04/07/2020

SUMMARY

As a result of the imminent threat to public health and safety to the residents of the City of Danville arising from the spread of COVID-19 virus, City Manager Kenneth F. Larking, acting in his capacity as Director of Emergency Management, declared a local emergency on March 17, 2020 and an amended local state of emergency on March 27, 2020 in accordance with Virginia Code Sections 44-146.21 AND 44-146.16.

BACKGROUND

COVID-19 is a communicable disease that was declared by the World Health Organization ("WHO") to be a "public health emergency of international concern" on January 30, 2020, and its spread was characterized by the WHO as a pandemic on March 11, 2020.

On March 12, 2020, Governor Ralph S. Northam declared a state of emergency for the Commonwealth of Virginia arising from the novel coronavirus (COVID-19) pandemic and on March 13, 2020, the President of the United States declared a national emergency, beginning March 1, 2020, in response to the spread of COVID-19.

The City Manager, acting in his capacity as Director of Emergency Management, declared a local emergency on March 17, 2020 and an amended local state of emergency on March 27, 2020.

RECOMMENDATION

It is recommended that City Council approve both the Declaration of Local Emergency and the amended Declaration of Local Emergency.

Attachments

Resolution

PRESENTED: _____

ADOPTED: _____

RESOLUTION NO. 2020-____.____

A RESOLUTION CONFIRMING THE CITY MANAGER'S DECLARATION AND AMENDED DECLARATION OF A STATE OF LOCAL EMERGENCY AND DISASTER DUE TO THE OCCURRENCE OF THE COVID-19 PANDEMIC IN ACCORDANCE WITH VIRGINIA CODE SECTIONS 44-146.21 AND 44-146.16.

WHEREAS, COVID-19 is a communicable disease that was declared by the World Health Organization ("WHO") to be a "public health emergency of international concern" on January 30, 2020, and its spread was characterized by the WHO as a pandemic on March 11, 2020; and

WHEREAS, on March 12, 2020, Governor Ralph S. Northam declared a state of emergency for the Commonwealth of Virginia arising from the novel coronavirus (COVID-19) pandemic; and

WHEREAS, on March 13, 2020, the President of the United States declared a national emergency, beginning March 1, 2020, in response to the spread of COVID-19; and

WHEREAS, the City Manager is designated as the Director of Emergency Management for the City of Danville; and

WHEREAS, as a result of this extreme peril, and imminent threat to public health and safety to the residents of the City of Danville, arising from the spread of COVID-19 virus, City Manager Kenneth F. Larking, acting in his capacity as Director of Emergency Management, declared a local emergency on March 17, 2020 and an amended local state of emergency on March 27, 2020; and

NOW THEREFORE, BE IT RESOLVED by the City Council of the City of Danville, Virginia, the Council does hereby confirm and ratify the declaration of a state of

local emergency by the City Manager on March 17th through April 7th, 2020 in accordance with Virginia Code Sections 44-146.21 and 44-146.16; and

BE IT FURTHER RESOLVED by the City Council of the City of Danville, Virginia, that the Council does also hereby confirm and ratify the amended declaration of a state of local emergency by the City Manager on March 27, 2020 in accordance with Virginia Code Sections 44-146.21 and 44-146.16; and

BE IT FINALLY RESOLVED by the City Council of the City of Danville, Virginia, that the amended declaration of local emergency shall end on June 10, 2020 at 11:59.

APPROVED:

MAYOR

ATTEST:

CLERK

Approved as to
Form and Legal Sufficiency:

City Attorney

Council Letter

City of Danville, Virginia



CL-2301

Consent Agenda A.

City Council Regular Meeting

Meeting Date: 04/07/2020

Subject: Consideration of Approval of Meeting Minutes

From: Susan M. DeMasi, City Clerk

COUNCIL ACTION

Business Meeting: 04/07/2020

SUMMARY

Consideration of Approval of Minutes from Regular Council Meeting held on February 18, 2020, and Regular Council Meeting held on March 3, 2020.

Council Letter Number CL - 2301.

Attachments

Meeting Minutes

Meeting Minutes

February 18, 2020

The Second Regular February meeting of the Danville City Council was held on February 18, 2020, 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., Mayor Alonzo L. Jones, Dr. Gary P. Miller, Sherman M. Saunders, Fred O. Shanks, III, Adam J. Tomer, Vice Mayor J. Lee Vogler, Jr., and Madison J.R. Whittle (9). *Mr. Whittle entered the meeting at 7:16 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

The Invocation was given by Council Member L.G. "Larry" Campbell, Jr.; the Invocation was followed by the Pledge of Allegiance to the Flag.

COMMUNICATIONS FROM VISITORS

Mayor Jones recognized Brad Perry, Pastor of Jones Chapel Missionary Baptist Church, Danville, who requested a stoplight on Route 58W and Barrett Street because of numerous car wrecks over the last few years.

Mayor Jones recognized Dr. David Self, 174 Millerton Road, Danville, who spoke about the condition of the public utilities, commented on sales, property and cigarette taxes.

Mayor Jones recognized Linda Colby, 196 Sunset Drive, who questioned regulations about trash being put in bags and then in containers. Ms. Colby noted her neighbor was not putting their trash in bags, and trash was getting in her yard.

Mayor Jones recognized Gordon Lyles, 1228 Halifax Road, who wanted to know the definition of what the City of Danville will stand for. Mr. Lyles noted he loves what has been done in the River District and stated he has announced his candidacy for City Council. Mayor Jones noted if anyone else present was running for Council, to stand and be recognized.

Mayor Jones recognized Judy Lyles, 1222 Halifax Road, who thanked the Danville Police who came to the Glenwood community to talk to residents about establishing a neighborhood watch. Ms. Lyles noted there was blight in the community, people speeding through the neighborhood and asked about having free programs for the youth

CONSENT AGENDA

Mayor Jones opened the floor for a Public Hearing regarding the Consent Agenda. Notice of the Public Hearing was published in the *Danville Register & Bee* on February 18, 2020. No one present desired to be heard.

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

Approval of Minutes from Regular Council Meeting held on January 21, 2020, and Minutes from Special Work Session held on January 21, 2020. Draft copies of the minutes had been distributed prior to the meeting.

February 18, 2020

Amending the Fiscal Year 2020 Budget Appropriation Ordinance for VDOT Funds for Two Trail Extension Projects

An Ordinance entitled, Ordinance No. 2020-02.03, Presented by its First Reading on February 4, 2020, Amending the Fiscal Year 2020 Budget Appropriation Ordinance for Two Trail Extension Projects to be Undertaken within the City of Danville and to be Financed Anticipating Revenues from the Virginia Department of Transportation - Transportation Alternatives Program.

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

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

Mayor Jones asked City Manager Ken Larking to discuss the recent workshop held in the City. Mr. Larking stated they were very pleased that Robert David, who coordinates the gang reduction activities for the City, was able to get experts from the National Gang Center and the Office of Juvenile Justice and Delinquency Prevention, in Danville for several days last week to speak with all the providers within the City who help the youth make sure they were on the right path for their future. It was training that some in the community have been able to go to when it was held in other locations. This time they came to Danville and the entire team of people, the agencies involved including education, law enforcement, probation and parole, juvenile detention, City departments and others, were able to participate. This was a proven model adopted by the City Council; staff has been working on it and have had a lot of success, and having the training here in the community last week gave providers an opportunity to see it firsthand. Mayor Jones recognized Robert David for the work he was doing in the City.

NEW BUSINESS

REVIEW OF GENERAL FUND FINANCIAL REPORT

Director of Finance Michael Adkins reviewed the results of the General Fund through January 31st, seven months and about 58% into the fiscal year. Total Revenues show the City received \$58.3M at the end of January, nearly 53% of budget and usually where the City was at this point in the year. Compared to last January, it shows an increase of \$3M; some of that was due to rate increases, and also due to growth. Real Estate taxes were \$400,000 at the end of last year, related to a rate increase implemented for FY20. Personal Property taxes were \$130,000 ahead of last year, that dates back to a FY19 rate increase. The City was seeing about an \$85,000 increase in Machinery and Tools, that was natural growth in the assessed values. The collection of Delinquent Real Estate taxes was going very well, the City received about \$600,000 through the end of January; that was 63% of budget. On the Local Tax side, the biggest increase over last year was the Hotel/Motel Lodging Tax which had a rate increase for FY20. Meals Tax was about \$80,000 which was natural growth; this offsets a decrease the City was seeing in sales tax which he had mentioned in previous months. Staff did get the February installment last Friday which represented December sales. While it was much higher than previous months, it was not quite as high as last year, so the City was seeing decreases there. Staff does not get a lot of detailed information on what makes up the sales tax from the state each month. The Commissioner of Revenues' office does have access to that information; Mr. Adkins worked with him last week, he and his staff were looking into that and should be able to get some details about what the decrease was related to.

February 18, 2020

The City saw a \$1M increase in Recoveries. The City had transitioned the Customer Service function from the Utility Funds to the General Fund; there was a recovery from the Utility funds to help pay for that cost and why it was up this year. Charges for Services were up substantially, \$400,000 over last year, related to the per diem rates charged for the jail, and the juvenile and adult detention facilities. As those costs of operations go up, the per diem cost also goes up. Other than the sales tax, all the revenue categories are on a good path for budget.

On Expenditures, the City had spent \$69M by the end of January. Department Spending was at 54.5% of budget, behind budget but where it was usually seen. The Non-Departmental Expenditures, which was primarily Group Health Insurance, was on track for budget, 58% at the end of January. Revenues do not come in evenly through the year, but expenses typically do, the City operates at a deficit for most of the fiscal year and this January was no different. The deficit at the end of seven months was about \$10.6M, about \$1.5M better than last year at this time. The City did budget a deficit of about \$2M for this year, taking that from Fund Balance; hopefully if the City stays on this path, it could break even and maybe not have to dip into fund balance. Mr. Adkins stated the City had some additional costs probably with repairs related to the recent flooding and will be monitoring that.

Mr. Shanks noted Mr. Adkins stated sales tax for December was down, how far down were they compared to last year. Mr. Adkins stated he did not have the exact amount but that the City received over \$800,000 for that month. The City has seen it as high as \$900,000 in past years, he will roughly guess it was about \$100,000 less than the City usually sees. Mr. Campbell questioned if Mr. Adkins had an estimate on the flood damages and Mr. Adkins noted they did not have that information yet. Public Works was working on that and they should have some information at a later date.

AUTHORIZING THE CITY MANAGER TO EXECUTE THE AGENCY DESIGNATION AGREEMENT WITH AMERICAN MUNICIPAL POWER

Vice Mayor Vogler **moved** for adoption of a Resolution entitled:

RESOLUTION NO. 2020-02.04

AUTHORIZING THE CITY MANAGER TO EXECUTE THE AGENCY DESIGNATION SCHEDULE WITH AMERICAN MUNICIPAL POWER FOR THE DANVILLE FARM, IRISH ROAD, AND WHITMELL SOLAR FARM'S METERING AND BILLING.

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

Dr. Miller noted AMP has most of the City's contracts for power and over the years, some of those contracts were very expensive, a lot of it was transmission charges. With the solar farms there was little or no transmission charges, why was the City partnering with AMP for them to meter. Council Member Shanks stated AMP was already taking care of metering for Schoolfield Hydro; it was best to have a third party involved to read the meters, do the processing of data and to keep the City from having to have additional staff.

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

VOTE: 9-0
AYE: Buckner, Campbell, Jones, Miller, Saunders,

February 18, 2020

Shanks, Tomer, Vogler and Whittle (9)
NAY: None

APPROVAL OF THE CITY OF DANVILLE'S COMPREHENSIVE ECONOMIC DEVELOPMENT STRATEGY PROJECT LIST

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

RESOLUTION NO. 2020-02.05

APPROVING THE SUBMISSION OF THE COMPREHENSIVE ECONOMIC DEVELOPMENT STRATEGY PRIORITY PROJECTS FOR MAINTAINING DANVILLE'S STATUS AS A REDEVELOPMENT AREA UNDER THE ECONOMIC DEVELOPMENT ADMINISTRATION'S PROGRAM.

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

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

BUDGET AMENDMENT – CONSIDERATION OF AMENDING THE FISCAL YEAR 2020 BUDGET APPROPRIATION ORDINANCE FOR A GRANT FOR YOUTH ENGAGEMENT PROGRAMS IN THE AMOUNT OF \$123,908 AND LOCAL SHARE OF \$25,208

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

ORDINANCE NO. 2020-02.04

AN ORDINANCE AMENDING THE FISCAL YEAR 2020 BUDGET APPROPRIATION ORDINANCE BY INCREASING REVENUE FOR A DEPARTMENT OF CRIMINAL JUSTICE SERVICES, COMMONWEALTH OF VIRGINIA, BYRNE/JAG GRANT FOR YOUTH ENGAGEMENT PROGRAMS IN THE AMOUNT OF \$123,908 AND LOCAL SHARE IN THE AMOUNT OF \$25,208 FOR A TOTAL OF \$149,116 TO BE USED TO FUND THE SALARY AND BENEFITS OF A GANG PREVENTION COORDINATOR AND OTHER EXPENDITURES RELATING TO THE PROGRAM.

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

COMMUNICATIONS

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

ROLL CALL

Council Member Miller noted Harry Johnson recently passed away; he did not know Mr. Johnson when he was a basketball coach, but took care of him as a patient for about fifteen years. Mr.

February 18, 2020

Johnson never came in when he wasn't joking, happy and cheering up all the people in the room. Dr. Miller noted a patient in the hospital stopped him to give kudos to the Utility Department who were out in the rain last week at 3:00 a.m. to work on the power outage. Dr. Miller encouraged citizens to get their flu shot; it was not too late.

Council Member Saunders thanked Mr. Adkins for the report on the City's finances and to the family of Coach Harry Johnson, Council was thinking about them and praying for them. Mr. Saunders noted the Mayor did a great job at the event Saturday when he spoke at Coach Johnson's Home Going Service. Also, special thanks and thoughts to the family of Ms. Emily Edmonds who did so much for the City and Region, with the Civil Rights Museum, and working all over the Country. Mr. Saunders thanked all the employees of the City of Danville.

Mayor Jones noted Mr. Saunders has been recognized as a Home Town Hero by WBTV.

Council Member Shanks noted his thanks to all the City employees, especially the Danville Utility employees, who have dealt with some unusual and difficult circumstances over the last few weeks.

Vice Mayor Vogler thanked City employees, especially with the recent storms and power outages, working in bad weather to get the power back on, and asked citizens to keep the family of Harry Johnson in their thoughts and prayers. Mr. Vogler asked the City Manager about the substation in the Westover area. Mr. Larking explained some of the substations in the City are older and staff has been working with the Utility Commission and City Council to appropriate funds to upgrade them. The City has done two total refurbishments, are in the process of two right now, and are engineering two. It was a lengthy process to refurbish an entire substation, it takes a couple years between the design and construction. The City cannot have multiple substations done at the same time without impacting the viability of power throughout the system. In the situation in Westover, that particular substation did have a pretty significant piece of infrastructure malfunction which caused it to explode, and caused some damage to another piece of infrastructure. Both of those parts had to be shipped off, evaluated, repaired and brought back in; that takes several weeks. The City had invested in some mobile substations that can be deployed pretty quickly when there was an issue. The mobile substation in place in Westover was a little more sensitive to issues that might occur such as a heavy rain situation; staff was hoping there wouldn't be any issues. Mr. Vogler noted to the citizens in the Westover community, the City appreciates their patience and understanding and thanked the City Manager for the update. With regard to the parking requirements for businesses in the City, the Planning Commission was working on this now to bring it back to City Council. He hoped the City continued to work on doing everything they can to help small businesses. Mr. Vogler noted a number of citizens have asked him recently if the City could look into the possibility of a special needs playground and asked the City Manager to look into that.

Council Member Whittle noted he went to a great event a few weeks ago at Moffett Memorial Church, done by the Danville Concert Association; they have another event coming up, the Symphony Orchestra from the Ukraine on February 20th at GWHS Auditorium.

Council Member Buckner noted he had been asked to be part of an exchange program with Loudon County with Mr. Saunders, to go to Richmond, represent the City and meet with the people from Loudon County. Mr. Buckner thanked the Mayor for that opportunity; it was a great day meeting with people throughout the State. Mr. Buckner reminded citizens that Morgan Olsen will be having a job fair on March 3-5, from 8:00 a.m. to 8 p.m., and will be hiring 1,000 people.

February 18, 2020

Mayor Jones asked the City Manager if there was anything the City could do to assist Morgan Olsen; can the City put this information out as much as they could.

Council Member Campbell noted to the Johnson and Edmonds' families, he wanted to send out his regards to them. Mr. Campbell thanked Mr. David for his work on the gang program, it was much needed in the City.

Mayor Jones stated, at VML they had discussed the stress that public safety employees go through. The City recently lost two citizens in a fire; with all the public safety people that were there, he had called the Fire Marshall and wanted to know how the staff were doing. He was told there were counselors for the staff, and thanked the City Manager for that. With all the hard work that staff did for the City during the storm, Mayor Jones asked the City Manager to share all the hours the Utility Department and the Director had put in.

Mr. Larking noted for the outage that occurred in the Westover community, several of the crews were out there all night long; to the point where they were pushing longer than they should have, but they were dedicated to get the power back on. Philip Haley, the Director of Power and Light, and Jason Grey, Director of Utilities, were both supervising this operation until about 3:30 in the morning. They made sure people were being safe, doing what they needed to do and trying to support the people out on the poles working to get the electric power back on. Mr. Larking stated that was not unusual; the employees are dedicated to public service; the reason they do what they do was because they cared about serving the community, want to do what was best for the community and don't mind putting in the hours. His opinion and what he has observed, when the chips are down, that was when they got excited about putting in the hard work to get people back up with power. Mr. Larking stated it made him very proud to be part of the organization and a great group of people. No matter what their role was on city staff, they do care about public service, the community and serving the citizens as best they can.

Mayor Jones thanked Council Member Campbell and Saunders, he knows it meant a lot to the Johnsons, supporting their family.

The meeting adjourned at: 7:54 p.m.

APPROVED:

MAYOR

ATTEST:

CITY CLERK

March 3, 2020

The Regular March meeting of the Danville City Council was held on March 3, 2020, at 7:02 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., Mayor Alonzo L. Jones, Dr. Gary P. Miller, Sherman M. Saunders, Fred O. Shanks, III, Adam J. Tomer, Vice Mayor J. Lee Vogler, Jr., and Madison J.R. Whittle (9).

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

Mayor Jones presided, and welcomed Girl Scout Troup #970.

INVOCATION AND PLEDGE OF ALLEGIANCE

The Invocation was given by Vice Mayor J. Lee Vogler, Jr.; the Invocation was followed by the Pledge of Allegiance to the Flag led by Girl Scout Troup #970

ANNOUNCEMENTS AND SPECIAL RECOGNITIONS

Proclamation: Girl Scout Week
Presented to: Girl Scout Troop #970

Mayor Jones read the Proclamation and presented it to Debra Sullivan of Troop #970, who thanked Council for the Proclamation and allowing Troop #970 to appear before Council. Ms. Sullivan and members of Troop #970 gave cookies to Council and staff.

COMMUNICATIONS FROM VISITORS

Mayor Jones recognized Gordon Lyles who thanked City Manager Ken Larking for having a sign put up at a dangerous curve to warn drivers. Mr. Lyles noted he would like to see a police precinct at the Glenwood School, and have more recreation for the youth in Danville. Mr. Lyles also suggested the City restore the Schoolfield Dam to produce a clean energy source for the City.

Mayor Jones recognized Harold Garrison, Westover Drive, who stated he was one of the residents dependent on a temporary transformer at the Westover Substation to provide electrical service. Mr. Garrison voiced his concerns with the temporary situation, and stated the residents of Westover, North Danville and Glenwood were underrepresented.

Mayor Jones recognized Michelle Nance, Chestnut Place, who spoke as a representative of the Haven of the Dan River District. Ms. Nance discussed the topic of violence against women, noting it has reached epidemic proportions, reviewed statistics on violence and stated citizens can support local organizations such as Haven. Ms. Nance invited Council to a memory monologue at Cottontail Events on Friday March 27th at 7:30 p.m. Council Members thanked Ms. Nance and noted their support of Haven.

Mayor Jones recognized Cynthia Phillips, who noted she was relatively new to the City of Danville, she came here to start a youth program, and has found a facility at 701 Patton Street; she was at Council to introduce herself. Her nonprofit organization was To Be Successful Youth, which was mentoring and tutoring higher risk youth.

Mayor Jones recognized Norma Brower, Ernesia Coles and Wendi Everson. Ms. Brower noted the Second Annual Danville Neighborhood Leadership Conference will be held on March 27th and

March 3, 2020

28th at the Institute, and this year was being sponsored by the DNDC, City of Danville Community Development, Danville Opportunity Neighborhoods, and the DRF. Ms. Coles noted the conference was started to provide an opportunity for resident leaders to learn from each other and gain new tools.

Mayor Jones recognized James DeHart, Mount Cross Road, who talked about the City bringing the streets.

CONSENT AGENDA

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

Approval of Minutes from Regular Council Meeting held on February 4, 2020. Draft copies of the minutes had been distributed prior to the meeting.

Budget Amendment – Amending the Fiscal Year 2020 Budget Appropriation Ordinance for a Grant for Youth Engagement Programs in the Amount of \$123,908 and Local Share of \$25,208

An Ordinance Entitled, Ordinance No. 2020-02.04, Presented by its First Reading on February 18, 2020, Amending the Fiscal Year 2020 Budget Appropriation Ordinance by Increasing Revenue for a Department of Criminal Justice Services, Commonwealth of Virginia, Byrne/JAG Grant for Youth Engagement Programs in the Amount of \$123,908 and Local Share in the Amount of \$25,208 for a Total of \$149,116 to be Used to Fund the Salary and Benefits of a Gang Prevention Coordinator and Other Expenditures Relating to the Program.

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

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

NEW BUSINESS

PUBLIC HEARING – GRANTING A SPECIAL USE PERMIT FOR A COMMUNICATION TOWER ON PARCEL ID# 73020

Mayor Jones opened the floor for a Public Hearing regarding a Special Use Permit on Parcel ID# 73020. Notice of the Public Hearing was published in the *Danville Register & Bee* on February 18, 2020 and February 25, 2020.

Mayor Jones recognized Tony Phillips, Fullerton Engineering, representing AT&T and Tillman Infrastructure. Mr. Phillips noted they were proposing a 150' cell tower at Piney Road. This has been through Planning, staff recommended approval, and the Planning Board voted unanimously in favor of it. AT&T approached his client's company; they would like to save money on rent because rents keep getting higher and higher. They have made attempts to negotiate that. If the tower owners are allowed to keep charging as much as they want because they know the laws are protecting them, then the rates will keep going up. Danville will be at 4G and the rest of the world will be at 8G because it costs too much to improve that tower.

March 3, 2020

Mayor Jones recognized Bill Pollock, Fullerton Engineering who explained that AT&T and Verizon have determined that on some of the towers they are being charged rentals that are unsustainable, and there are some technical problems with some of them. Out of the 100,000 plus towers that each of them owns and operates, they selected a small number that have to be replaced. AT&T and Verizon came to them, identifying the latitude and longitude in Danville where they wanted a new tower to be constructed. Mr. Pollock stated there has been prior testimony that coverage and capacity will be largely the same and noted that was correct. The towers are about the same height and location, and radio capabilities and capacity was similar. When they build a new tower for AT&T, Verizon Net or T Mobile, new equipment was put on the tower and the new equipment offers 5G, which was a better, faster experience, but also AT&T's FirstNet, which was an overlay network for emergency responders. That network springs into action whenever there was a national or local emergency and it was dedicated to first responders. The technical advantages toward new towers was the user experience: fewer dropped calls, more calls handled during peak periods, and better call quality. SBA's rental was about 2.5 times what Tillman would charge, and that was day one. After day one, the SBA towers increase, sort of an inflation adjustment, 4% or 5% a year, every single year. Also, in the SBA towers, almost every time a piece of equipment was replaced or added, SBA charges more money; after twenty or thirty years, these increases are steep. AT&T has tried on many occasions to get SBA to reduce their price line and their terms and make them a little more sustainable; SBA has adamantly refused every time. The other major tower company, American Towers, have decreased their rates for AT&T, so Fullerton was mostly replacing SBA's towers right now. Fullerton offers a new tower that was absolutely necessary to improve the service, economic viability and enables the operators to afford to put all the new equipment they need for the incredibly fast growing use of cellular phones. Mr. Pollock stated he thought this tower would benefit the community in a lot of ways. It will encourage AT&T and Verizon, and later T Mobile, to put new equipment on the towers, and it will encourage First Net to get on there.

Mayor Jones recognized Ed Donahue, Council for SBA, 117 Orinoco Street, Alexandria, Virginia, who noted Council heard from the representative from Fullerton, this was a redundant site; it was meant to replicate the coverage AT&T was getting on the SBA tower. The difficulty that Fullerton and Tillman have was in the City Code and the State Code, about proximity between towers and proximity to the residential zones. Mr. Donahue cited Article 2, Section R.5 of the Danville Zoning Ordinance that says, No telecommunication tower shall be located within five hundred (500) feet of a residential zoning district unless the applicant can otherwise demonstrate by providing coverage, interference and capacity analysis that the proposed location cannot be met on a location that is greater than 500 feet. This site was about 158' from a residential district so there was a zoning issue; it was raised with the Planning Commission, but they didn't engage on it. In addition, Council heard that there was potentially an issue with 5G and First Net. AT&T was building out a wireless network for the first responders, EMTs, fireman, etc., but they've yet to approach SBA about putting First Net facilities on the SBA tower or 5G. Mr. Donahue noted he gave Council a structural report, and written testimony from SBA. There was both structural capacity, space on the ground, and SBA was willing and encouraging of AT&T to put the 5G and the First Net antennas on there. In 2003, when this tower was approved, Condition No. 3 of the SUP approval says the applicant shall make this tower available to other users at market rates to further the City goal of limiting the number of nonresidential towers. SBA was under an obligation to provide colocation to the carriers. The applicant stated that they are looking to take AT&T, and potentially Verizon and T Mobile, and move them over to the Fullerton Tower; this would contribute to a proliferation of towers. There would be two towers about 900 feet apart. Mr. Donahue noted the state code provision which allows for the City Council to regulate this space, codified in 15.2-2316.4-2, specifically reserves the right of local jurisdictions to deny

March 3, 2020

applications on the basis of the availability of existing wireless support structures within a reasonable distance; the state code and the zoning ordinance encourage colocation facilities.

Council Member Shanks questioned Mr. Donohue regarding the State Code he referenced, and Mr. Donohue stated, Article 2, Section R5, no telecommunication towers shall be located within 500 feet of a residential zoning district unless the applicant can otherwise demonstrate by providing coverage, interference, and capacity analysis. Mr. Donohue noted he believed the 2003 approval pre-dated this code provision. Mr. Shanks stated it was his understanding that whoever Mr. Donohue represents, their rent on the tower was at a point where somebody feels like it was not competitive. Mr. Donohue stated his understanding was SBA has made an offer back to AT&T and it was with AT&T, at the national level, but doesn't know what those rent terms were. Mr. Shanks stated the code section that Mr. Donohue read, basically said, a locality may, it doesn't say will or shall.

No one further desired to be heard and the Public Hearing was closed.

Vice Mayor Vogler **moved** for adoption of an Ordinance entitled:

ORDINANCE NO. 2020-03.01

GRANTING A SPECIAL USE PERMIT TO ALLOW A COMMUNICATION TOWER IN ACCORDANCE WITH ARTICLE 2, SECTION 6A OF THE CODE OF THE CITY OF DANVILLE, VIRGINIA, 1986, AS AMENDED, ON PARCEL ID# 73020, OTHERWISE KNOWN AS GRID 1811, BLOCK 005, PARCEL 000012 OF THE CITY OF DANVILLE, VIRGINIA, ZONING DISTRICT MAP.

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

VOTE: 6-3
AYE: Buckner, Campbell, Jones, Saunders,
Shanks, and Vogler (6)
NAY: Miller Tomer, and Whittle (3)

PUBLIC HEARING – CONSIDERATION OF GRANTING A SPECIAL USE PERMIT FOR A DUPLEX AT 120 HURT STREET

Mayor Jones opened the floor for a Public Hearing regarding a Special Use Permit at 120 Hurt Street. Notice of the Public Hearing was published in the *Danville Register & Bee* on February 18, 2020 and February 25, 2020.

Mayor Jones recognized Regina White, who stated she was part of the LLC that owns the property being discussed. They purchased the property in foreclosure and at the time of the purchase, the house was in very bad shape. It was also slated, by whoever went before them, to be a three unit house, which was too much for this particular property. They would like to convert it to a duplex and are requesting a special use permit. No one further desired to be heard and the Public Hearing was closed.

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

ORDINANCE NO. 2020-03.02

March 3, 2020

GRANTING A SPECIAL USE PERMIT TO ALLOW FOR A DUPLEX IN ACCORDANCE WITH ARTICLE 3.E, SECTION C, ITEM 2 OF THE ZONING ORDINANCE OF THE CODE OF CITY OF DANVILLE, VIRGINIA 1986, AS AMENDED, AT 120 HURT STREET, OTHERWISE KNOWN AS GRID 2805, BLOCK 021, PARCEL 000001 OF THE CITY OF DANVILLE VIRGINIA ZONING DISTRICT MAP.

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

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

PUBLIC HEARING – REZONING FROM OT-R, OLD TOWN RESIDENTIAL, TO M-R, MULTI-FAMILY RESIDENTIAL, PARCELS ON SEELAND ROAD AND THE FUTURE HARAWAY LANE

Mayor Jones opened the floor for a Public Hearing regarding Rezoning on Seeland Road and the Future Haraway Lane. Notice of the Public Hearing was published in the *Danville Register & Bee* on February 18, 2020 and February 25, 2020.

Mayor Jones recognized Ernesia Coles, Executive Director of the Danville Neighborhood Development Corporation, who explained they are partnering with Bibleway Cathedral and the Danville Redevelopment and Housing Authority on this project. Mr. Wasson from the DRHA could not be here today, and she was here to answer any questions regarding this project. Mr. Whittle questioned if the groups were partnering on this project and Ms. Coles noted they were working together to plan and also receive funding for the development. Mr. Whittle questioned if it was all nonprofit and Ms. Coles noted they were a nonprofit, the DRHA was quasi-governmental institution, and Bibleway Cathedral was a faith based corporation. No one further desired to be heard the Public Hearing was closed.

Vice Mayor Vogler **moved** for adoption of an Ordinance entitled:

ORDINANCE NO. 2020-03.03

REZONING FROM OT-R OLD TOWN RESIDENTIAL DISTRICT TO M-R MULTI-FAMILY RESIDENTIAL DISTRICT, PARCEL ID#S 76125, 76124, 76123, 76122, 76121, 76140, 76141, 76142, 76143, 76144 & 76145 ON SEELAND ROAD AND THE FUTURE HARAWAY LANE, OTHERWISE KNOWN AS GRID 2606, BLOCK 014, PARCEL ID'S 000013, 000014, 000015, 000016, 000017, 000018, 000019, 000020, 000021, 000022 & 000023 OF THE CITY OF DANVILLE, ZONING DISTRICT MAP.

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

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

March 3, 2020

STATEMENT OF CONFLICT OF INTEREST

I, Lawrence G. Campbell, Jr., do hereby state that I have a conflict of interest regarding the consideration of rezoning from OT-R, Old Town Residential District to M-R, Multi-Family Residential District Parcels on Seeland Road and the future Haraway Lane listed on the agenda as New Business Agenda Item C. 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 3rd day of March, 2020.

s/Lawrence G. Campbell, Jr.

STATEMENT OF CONFLICT OF INTEREST

I, Alonzo L. Jones, do hereby state that I have a conflict of interest regarding the consideration of rezoning from OT-R, Old Town Residential District to M-R, Multi-Family Residential District Parcels on Seeland Road and the future Haraway Lane listed on the agenda as New Business Agenda Item C. 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 3rd day of March, 2020.

s/Alonzo L. Jones

PUBLIC HEARING – REZONING FROM OT-R, OLD TOWN RESIDENTIAL DISTRICT TO M-R, MULTI-FAMILY RESIDENTIAL DISTRICT, 151 GRANT STREET AND 218, 220 AND 224 GARFIELD STREET

Mayor Jones opened the floor for a Public Hearing regarding rezoning 151 Grant Street and 218, 220 and 224 Garfield Street. Notice of the Public Hearing was published in the *Danville Register & Bee* on February 18, 2020 and February 25, 2020. Mayor Jones recognized Ernesia Coles who explained these parcels are also part of the development project. She was part of the team, and speaking on behalf of Bibleway Cathedral and the DRHA. No one further desired to be heard and the Public Hearing was closed.

Vice Mayor Vogler **moved** for adoption of an Ordinance entitled:

ORDINANCE NO. 2020-03.04

REZONING FROM OT-R OLD TOWN RESIDENTIAL DISTRICT TO M-R MULTI-FAMILY RESIDENTIAL DISTRICT, 151 GRANT STREET, 218, 220, & 224 GARFIELD STREET, OTHERWISE KNOWN AS GRID 2605, BLOCK 004, PARCEL ID#S 000012, 00003, 00004 & 00005 OF THE CITY OF DANVILLE, ZONING DISTRICT MAP.

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

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

March 3, 2020

STATEMENT OF CONFLICT OF INTEREST

I, Lawrence G. Campbell, Jr., do hereby state that I have a conflict of interest regarding the consideration of rezoning from OT-R, Old Town Residential District to M-R, Multi-Family Residential District 151 Grant Street and 218, 220, and 224 Garfield Street listed on the agenda as New Business Agenda Item D. 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 3rd day of March, 2020.

s/Lawrence G. Campbell, Jr.

STATEMENT OF CONFLICT OF INTEREST

I, Alonzo L. Jones, do hereby state that I have a conflict of interest regarding the consideration of rezoning from OT-R, Old Town Residential District to M-R, Multi-Family Residential District 151 Grant Street and 218, 220, and 224 Garfield Street listed on the agenda as New Business Agenda Item D. 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 3rd day of March, 2020.

s/Alonzo L. Jones

BUDGET AMENDMENT - CONSIDERATION OF AMENDING THE FISCAL YEAR 2020 BUDGET APPROPRIATION ORDINANCE FOR GRANT FUNDS FOR FOOD SERVICE OPERATIONS AT W.W. MOORE JR., DETENTION HOME IN THE AMOUNT OF \$45,743

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

ORDINANCE NO. 2020-03.05

AMENDING THE FISCAL YEAR 2020 BUDGET APPROPRIATION ORDINANCE FOR A FEDERAL GRANT IN THE AMOUNT OF APPROXIMATELY \$45,743 TO AID THE FOOD SERVICE OPERATIONS AT W.W. MOORE, JR. DETENTION HOME AND APPROPRIATING SAME.

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

BUDGET AMENDMENT – CONSIDERATION OF AMENDING THE FISCAL YEAR BUDGET APPROPRIATION ORDINANCE FOR VIRGINIA JUVENILE JUSTICE SYSTEM GRANT FUNDS AND LOCAL MATCH FOR A TOTAL OF \$126,829

Upon **Motion** by Council Member Shanks and **second** by Council Member Saunders, an Ordinance entitled:

ORDINANCE NO. 2020-03.06

AMENDING THE FISCAL YEAR 2020 BUDGET APPROPRIATION ORDINANCE FOR A GRANT FROM THE DEPARTMENT OF JUVENILE JUSTICE IN THE AMOUNT OF \$86,999

March 3, 2020

AND A LOCAL SHARE OF \$39,830, FOR A TOTAL APPROPRIATION OF \$126,829, TO PROVIDE FOR THE ELECTRONIC MONITORING AND OUTREACH DETENTION PROGRAMS AND SUPERVISION PLAN SERVICES FOR THE CITY OF DANVILLE AT THE W.W. MOORE JR. DETENTION HOME AND APPROPRIATING SAME

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

COMMUNICATIONS

City Manager Ken Larking explained the Westover area was not currently being served by the mobile substation, it was being served by the permanent substation. It was put back in service about two weekends ago, and apologized for not announcing that publicly.

Mr. Larking noted the Fire Chief informed him today that the Fire Department received international reaccreditation for another five years. Mr. Larking noted his congratulations to the fire department, they are one of the very few that have both an ISO 1 rating and international accreditation.

Mayor Jones questioned if there was anyway to get information to the Westover neighbors about the substation and Mr. Larking stated they would work on that.

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

ROLL CALL

Council Member Tomer noted it was good to see Gordon Lyles at Council again, and Mr. Mayo; it was always good to have candidates come to Council. Mr. Tomer thanked the Girl Scouts for the cookies.

Vice Mayor Vogler wished a happy birthday to Mr. Buckner's wife, Jessica. Mr. Vogler noted the Pastor from Jones Chapel Missionary Baptist Church came to the last Council meeting expressing concerns about speeding on 58 where the church was located. He went out to the site, and spoke to the City Manager last week, to see if the City could look at adding rumble strips on the road. Mr. Larking explained the day after this was brought up, it was mentioned to the Public Works Director and he has commissioned a study of that area to see if it warrants any additional work to alleviate the issue. Mr. Larking noted previous to that issue, there was a request regarding the intersection of Updike and South Main and whether it warranted a traffic signal. The study did come back recently and it does warrant a traffic signal; that will be discussed as part of the budget process. Mr. Vogler asked Mr. Larking to address Mr. Lyles comments about the dam, and Mr. Larking explained the Schoolfield Dam, located on Memorial Drive, was owned by the City and operated by a company that generates power at the facility; the City buys the power from that company. Mr. Shanks noted what was so important about that facility was that it has helped the City during high demand periods to help shave transmission congestion charges. Mr. Vogler wished the GWHS Eagles good luck for the start of the State Tournament.

Council Member Buckner wished his wife Happy Birthday. Mr. Buckner invited citizens to the Danville Neighborhood Leadership Conference that was discussed earlier; it was Friday, March 27th and Saturday March 28th at the Institute for Advanced Learning and Research. Mr. Buckner noted how proud he was of the City's firefighters for the national reaccreditation and the ISO 1 certification they worked so hard to acquire and maintain.

March 3, 2020

Council Member Miller noted his wife took her BLS course today; for \$18 the Danville Life Saving Crew will train people in Basic Life Support. Dr. Miller stated the Danville Braves have been in town since 1993, and the City was in danger of losing them. There was going to be a major restructuring of the minor leagues and 75-80% of the teams may be gone. Dr. Miller stated Council needed to have a resolution to the Atlanta Braves to save the Danville Braves; it would be a major loss to the community. Mayor Jones noted the mayors from the area have signed a petition. Dr. Miller noted next Tuesday at 7:00 p.m. there will be a program about Suicide Prevention in First Responders, and invited Council Members to attend.

Council Member Saunders thanked the City employees for all they do everyday, looking out for the City and protecting the citizens, and congratulations to the Fire Department for the recognition.

Mayor Jones recognized Ms. Cynthia Phillip, thanked her for coming into the community and for visiting Council. Mayor Jones recognized Pastor Burton and his son, who have been active in the community for many years, was glad to see him at Council and thanked him for all his years of service. Mayor Jones congratulated the Fire Department for the reaccreditation and thanked City Council for their work.

The meeting adjourned at: 8:20 p.m.

APPROVED:

MAYOR

ATTEST:

CITY CLERK

Council Letter

City of Danville, Virginia



CL-2281

Consent Agenda B.

City Council Regular Meeting

Meeting Date: 04/07/2020

Subject: USDA Grant for Food Services at W. W. Moore, Jr. Detention Home

From: Scott Booth, Police Chief

COUNCIL ACTION

First Reading: 03/03/2020

Final Adoption: 04/07/2020

SUMMARY

Each year, the W. W. Moore, Jr. Detention Home receives funds from the United States Department of Agriculture (USDA) as a result of the detention home's participation in the National School Nutrition Program. The revenue from the USDA offsets some of the costs related to the Food Service Operation at the detention home. It is projected the City will receive \$45,743 for Fiscal Year 2020. The amount of funds received may be more or less depending on changes in the daily population.

BACKGROUND

The W. W. Moore, Jr. Detention Home will participate in the National School Nutrition Program during Fiscal Year 2020. The anticipated revenue is projected, and an appropriation is requested, based on utilization rates, reimbursement rates, and the number of days each meal or snack is reimbursed. The USDA reimbursement rates provided by the Department of Juvenile Justice Food Service Operations Unit for FY 2020 are as follows: Breakfast - \$2.20; Lunch - \$3.50; and Snack - \$.94. Breakfast and Lunch meals are reimbursed 365 days per year. Snacks are reimbursed 104 days per year. There is no reimbursement for Dinner meals. Based on the Average Daily Population of 21 last fiscal year, and the number of days meals and snacks are reimbursed, the W. W. Moore, Jr. Detention Home expects to receive approximately \$45,743. USDA funds are received quarterly by the City of Danville.

RECOMMENDATION

It is recommended that City Council adopt the attached Ordinance appropriating funds within the Special Grants Fund for expenses related to the Food Service Operation at the W. W. Moore, Jr. Detention Home.

Attachments

Ordinance

PRESENTED: _____

ADOPTED: _____

ORDINANCE NO. 2020-____.____

AN ORDINANCE AMENDING THE FISCAL YEAR 2020 BUDGET APPROPRIATION ORDINANCE FOR A FEDERAL GRANT IN THE AMOUNT OF APPROXIMATELY \$45,743 TO AID THE FOOD SERVICE OPERATIONS AT W.W. MOORE, JR. DETENTION HOME AND APPROPRIATING SAME.

NOW THEREFORE, BE IT ORDAINED, by the Council of the City of Danville, Virginia that the Fiscal Year 2020 Budget Appropriation Ordinance be, and it is hereby, amended to anticipate revenues from a grant in the amount of approximately \$45,743 from the United States Department of Agriculture to the W.W. Moore, Jr. Detention Home for the purpose of aiding the food service operations and appropriating same in the Special Grants Fund for Fiscal Year 2020, such revenue and appropriation to be as follows:

ANTICIPATED REVENUES

<u>Description</u>	<u>Account No.</u>	<u>Amount</u>
Categorical Aid-State: USDA - Detention Home	60114000-47210	<u>\$45,743</u>

ANTICIPATED EXPENDITURES

<u>Description</u>	<u>Account No.</u>	<u>Amount</u>
W. W. Moore, Jr. Detention Home Food Supplies/Food Services	60114000-55825	<u>\$45,743</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 FURTHER ORDAINED that all other accounts and provisions of the Fiscal Year 2020 Budget Appropriation Ordinance, as amended, not hereby amended, shall continue in full force and effect unless and until hereafter further amended or repealed.

APPROVED:

MAYOR

ATTEST:

CLERK

Approved as to
Form and Legal Sufficiency:

City Attorney

Council Letter

City of Danville, Virginia



CL-2282

Consent Agenda C.

City Council Regular Meeting

Meeting Date: 04/07/2020

Subject: Virginia Juvenile Community Crime Control Act Funding Appropriation

From: Scott Booth, Police Chief

COUNCIL ACTION

First Reading: 03/03/2020

Final Adoption: 04/07/2020

SUMMARY

The Virginia Juvenile Community Crime Control Act (VJCCCA) requires the locality to develop and submit a plan outlining how the City will serve juvenile offenders before intake on complaints, or from the court on petitions alleging the juvenile is delinquent, in need of services, or in need of supervision, with allocated funds. The locality's biennial plan and funding was approved for FY 2019 and FY 2020. The VJCCCA Plan for FY 2020 will continue to provide the Electronic Monitoring and Outreach Detention Programs. It is projected that forty-five (45) juveniles will be served in the Electronic Monitoring Program and twenty-five (25) will be served in the Outreach Detention Program. The plan will also provide Supervision Plan Services for up to ten (10) juveniles referred by the Danville Juvenile & Domestic Relations Court Services Unit and the City's Youth and Gang Violence Coordinator. During Fiscal Year 2020, the City will receive \$86,999 from the Department of Juvenile Justice to support the delivery of programs and services to juvenile offenders. The City will provide a local match of \$39,830. The total allocation to operate the VJCCCA Programs is \$126,829.

BACKGROUND

In 1995, the General Assembly enacted the Virginia Juvenile Community Crime Control Act (VJCCCA) which appropriated additional funding to localities to implement non-secure detention programs and services to meet the needs of juveniles involved with the Juvenile & Domestic Relations Court Services Unit. The City has been the recipient of VJCCCA funds since its inception. The VJCCCA funding allows the W. W. Moore, Jr. Detention Home to operate an Electronic Monitoring and Outreach Detention Program and provide other identified services based on the needs of the juveniles referred by the Danville Juvenile & Domestic Relations Court. Without these programs and services, it is possible many of these juveniles would be placed in secure detention or an out-of-home placement, resulting in a greater cost to the locality.

RECOMMENDATION

It is recommended that City Council approve the attached Ordinance appropriating funds to operate non-secure detention programs to provide services for offenders in the Juvenile Justice System.

Attachments

Ordinance

PRESENTED: _____

ADOPTED: _____

ORDINANCE NO. 2020-____.____

AN ORDINANCE AMENDING THE FISCAL YEAR 2020 BUDGET APPROPRIATION ORDINANCE FOR A GRANT FROM THE DEPARTMENT OF JUVENILE JUSTICE IN THE AMOUNT OF \$86,999 AND A LOCAL SHARE OF \$39,830, FOR A TOTAL APPROPRIATION OF \$126,829, TO PROVIDE FOR THE ELECTRONIC MONITORING AND OUTREACH DETENTION PROGRAMS AND SUPERVISION PLAN SERVICES FOR THE CITY OF DANVILLE AT THE W.W. MOORE JR. DETENTION HOME AND APPROPRIATING SAME.

NOW THEREFORE, BE IT ORDAINED, by the Council of the City of Danville, Virginia that the Fiscal Year 2020 Budget Appropriation Ordinance be, and it is hereby, amended to anticipate revenues from a grant in the amount of \$86,999 from the Virginia Juvenile Community Crime Control Act for the purpose of operating programs which provide alternatives to detention and appropriating same in the Special Grants Fund, and the local share in the amount of \$39,830 also be appropriated from the General Fund Account such revenue and appropriation to be as follows:

ANTICIPATED REVENUES

<u>Description</u>	<u>Account No.</u>	<u>Amount</u>
Categorical Aid-State: Virginia Juvenile Community Crime Control Act (VJCCCA)	61506000-47240	\$ 86,999
Local Share: Transfers from General Fund	61506000-6101	<u>39,830</u>
	TOTAL	<u>\$126,829</u>

ANTICIPATED EXPENDITURES

<u>Description</u>	<u>Account No.</u>	<u>Amount</u>
W. W. Moore, Jr. Detention Home Electronic Monitoring & Outreach Detention Program		
FT Sal/Wages Reg	61506000 51100	\$90,747
FICA	61506000 51450	6,655

Retirement ERS	61506000 51525	7,193
Telephone	61506000 54100	984
Materials & Supplies	61506000 55930	0
Travel/Train Exp	61506000 54900	10,250
Equipment Leased	61506000 54750	8,000
Supervision Plan Services	61506000 52349	3,000
	TOTAL	<u>\$126,829</u>

AND BE IT FURTHER ORDAINED that all other accounts and provisions of the Fiscal Year 2020 Budget Appropriation Ordinance, as amended, not hereby amended, shall continue in full force and effect unless and until hereafter further amended or repealed.

APPROVED:

MAYOR

ATTEST:

CLERK

Approved as to
Form and Legal Sufficiency:

City Attorney

Council Letter

City of Danville, Virginia



CL-2302

Appointments A.

City Council Regular Meeting

Meeting Date: 04/07/2020

Subject: Consideration of Appointments to Boards and Commissions

From: Susan M. DeMasi, City Clerk

COUNCIL ACTION

Business Meeting: 04/07/2020

SUMMARY

Consideration of Appointments to the following Boards and Commissions:

1. Airport Commission
2. Dan River Alcohol Safety Action Program
3. Danville Community College Board

Attachments

Resolutions

PRESENTED: _____

ADOPTED: _____

RESOLUTION NO. 2020 - ____ . ____

**A RESOLUTION APPOINTING CHERYL TERRY AS A MEMBER OF THE
AIRPORT COMMISSION, TO FILL AN UNEXPIRED TERM.**

BE IT RESOLVED by the Council of the City of Danville, Virginia, that Cheryl Terry be, and she is hereby appointed as a member of the Airport Commission to fill an unexpired term ending June 30, 2022.

APPROVED:

MAYOR

ATTEST:

CITY CLERK

PRESENTED: _____

ADOPTED: _____

RESOLUTION NO. 2020 - ____ . ____

**A RESOLUTION APPOINTING MICHAEL SHEETZ AS A MEMBER OF THE
DAN RIVER ALCOHOL SAFETY ACTION PROGRAM.**

BE IT RESOLVED by the Council of the City of Danville, Virginia, that Michael Sheetz be, and he is hereby appointed as a member of the Dan River Alcohol Safety Action Program for a term commencing April 1, 2020 and ending June 30, 2023.

APPROVED:

MAYOR

ATTEST:

CITY CLERK

PRESENTED: _____

ADOPTED: _____

RESOLUTION NO. 2020 - ____ . ____

**A RESOLUTION APPOINTING ROBERT DAVID AS A MEMBER OF THE
DANVILLE COMMUNITY COLLEGE BOARD, TO FILL AN UNEXPIRED TERM.**

BE IT RESOLVED by the Council of the City of Danville, Virginia, that Robert David be, and he is hereby appointed as a member of the Danville Community College Board to fill an unexpired term ending June 30, 2023.

APPROVED:

MAYOR

ATTEST:

CITY CLERK

Council Letter

City of Danville, Virginia



CL-2300

New Business A.

City Council Regular Meeting

Meeting Date: 04/07/2020

Subject: Amendments to Staunton River RIFA

From: Ken F. Larking, City Manager

COUNCIL ACTION

Business Meeting: 04/07/2020

SUMMARY

The City of Danville, Pittsylvania County, the Town of Hurt, and the Town of Altavista agreed in concept to form a new Regional Industrial Facility Authority (SR RIFA) for the purpose of managing the multimodal park (formerly Burlington Hurt Site) in the town of Hurt. With the withdrawal of Altavista, the requested action amends and restates the original Staunton River Cost and Revenue Sharing Agreement. The proposed action defines the amended cost and revenue sharing agreement that the remaining three locality elected bodies will approve. The newly agreed upon cost and revenue sharing percentages are as follows: Pittsylvania County – 61%; Danville – 35%; and Hurt – 4%. The initial member locality contributions equaling a total of \$100,000 were divided as follows: Pittsylvania County - \$50,000; Altavista - \$23,000; Danville - \$23,000; and Hurt - \$4,000. Altavista, as a withdrawing member locality, is not entitled to any rights to contributions made by Altavista to the Authority, to any property held by the Authority or to any revenue sharing as of June 25, 2019.

Also, with the withdrawal of the Town of Altavista, the bylaws of the Regional Industrial Facility Authority need to be amended and restated to reflect this change in the membership of the Authority.

BACKGROUND

On February 23, 2017, a Letter of Intent signing ceremony was held in Hurt, Virginia, during which Pittsylvania County, the Town of Hurt, the Town of Altavista, and the City of Danville signed a letter stating that the member localities would work together to create a new regional industrial facility authority to market and develop the Southern Virginia Multimodal Park in Hurt. This Authority would be named the Staunton River Regional Industrial Facility Authority ("SR RIFA"). On June 25, 2019, Altavista's Town Council approved and adopted a resolution withdrawing as a member locality of the Authority, and the Board of Directors of the SR RIFA adopted a resolution at its meeting held on October 4, 2019, approving the withdrawal of Altavista as a member locality of the SR RIFA, in compliance with the Act. The action of the Town of Altatvista requires an amended and restated cost and revenue sharing agreement as well as amended and restated bylaws.

RECOMMENDATION

Staff recommends the approval of the three-member locality agreed upon amended and restated cost and revenue sharing agreement as well as the locality agreed upon amended and restated bylaws as presented.

Attachments

Resolution

Resolution

Redline Agreement

Redline Bylaws

PRESENTED: _____

ADOPTED: _____

RESOLUTION NO. 2020-____.____

A RESOLUTION APPROVING AND AUTHORIZING THE FORM OF THE AMENDED AND RESTATED STAUNTON RIVER REGIONAL INDUSTRIAL FACILITY AUTHORITY COST AND REVENUE SHARING AGREEMENT AMONG THE COUNTY OF PITTSYLVANIA, VIRGINIA, THE TOWN OF HURT, VIRGINIA, AND THE CITY OF DANVILLE, VIRGINIA.

NOW THEREFORE, BE IT RESOLVED by the Council of the City of Danville, Virginia, that it does hereby approve the form of the Amended and Restated Staunton River Regional Industrial Facility Authority Cost and Revenue Sharing Agreement in the form substantially attached hereto and made a part here of as if full set forth herein as **Exhibit I** (the "Agreement"); and

BE IT FURTHER RESOLVED that the Council of the City of Danville, Virginia, authorizes the City Manager, Kenneth F. Larking, to execute said Amended and Restated Staunton Regional Industrial Facility Authority River Cost and Revenue Sharing Agreement.

APPROVED:

MAYOR

ATTEST:

CLERK

Approved as to
Form and Legal Sufficiency:

City Attorney

PRESENTED: _____

ADOPTED: _____

RESOLUTION NO. 2020-____.____

A RESOLUTION APPROVING AND AUTHORIZING THE FORM OF THE AMENDED AND RESTATED STAUNTON RIVER REGIONAL INDUSTRIAL FACILITY AUTHORITY BYLAWS AMONG THE COUNTY OF PITTSYLVANIA, VIRGINIA, THE TOWN OF HURT, VIRGINIA, AND THE CITY OF DANVILLE, VIRGINIA.

NOW THEREFORE, BE IT RESOLVED by the Council of the City of Danville, Virginia, that it does hereby approve the form of the Amended and Restated Staunton River Regional Industrial Facility Authority Bylaws in the form substantially attached hereto and made a part here of as if full set forth herein as **Exhibit I** (the "Agreement"); and

BE IT FURTHER RESOLVED that the Council of the City of Danville, Virginia, authorizes the City Manager, Kenneth F. Larking, to execute said Amended and Restated Staunton River Regional Industrial Facility Authority Bylaws.

APPROVED:

MAYOR

ATTEST:

CLERK

Approved as to
Form and Legal Sufficiency:

City Attorney

AMENDED AND RESTATED
STAUNTON RIVER COST AND REVENUE SHARING AGREEMENT

THIS **AMENDED AND RESTATED** STAUNTON RIVER COST AND REVENUE SHARING AGREEMENT (this “Agreement”), made and entered into effective as of the ~~—28th—~~ 4th day of ~~—December—~~ 2018 October 2019, by and among the COUNTY OF PITTSYLVANIA, VIRGINIA (“Pittsylvania”), a political subdivision of the Commonwealth of Virginia; (ii) the TOWN OF HURT, VIRGINIA, a Virginia municipal corporation (“Hurt”); ~~(iii) the TOWN OF ALTAVISTA, VIRGINIA, a Virginia municipal corporation (“Altavista”);~~ ~~and (iv)~~ and (iii) the CITY OF DANVILLE, VIRGINIA, a Virginia municipal corporation (“Danville”);

W I T N E S S E T H :

NOW, THEREFORE, in consideration of the mutual covenants and agreements herein contained and other good and valuable consideration, the receipt and adequacy of which are hereby acknowledged, the parties agree as follows:

Section 1. - Recitals. The parties recite the following facts:

- a. Pittsylvania, Hurt, the Town of Altavista, Virginia (“Altavista”) Danville (collectively, the “Original Parties”) and others executed that certain letter of intent dated February 23, 2017 (the “LOI”), under which the ~~parties hereto~~ Original Parties confirmed their desire to work cooperatively to create a regional industrial facility authority pursuant to the Virginia Regional Industrial Facilities Act, Virginia Code §§ 15.2-6400 et seq., as amended (the “Act”), that ~~will~~ would develop (i) a regional industrial park containing approximately 603.98 acres (Tax GPINs: ~~-~~ 2546-30-5577, 2545-69-2418, 2546-83-6444 and 2545-48-6913), located in Hurt, Virginia, commonly known as the Southern Virginia ~~Multi-Modal~~ Multimodal Park (the “SVMP”) and (ii) other projects as may be agreed upon from time to time by the parties.
- b. Under the LOI, the regional industrial facility authority would be created to improve the regional economy through the attraction of global industry to the SVMP and the establishment of an intermodal facility at the SVMP that will serve the geographic regions of the parties hereto and that will be publicly recognized as Virginia's second inland port.
- c. Each ~~party finds~~ of the Originals Parties found that the economic growth and development of its own locality and the comfort, convenience and welfare of its own citizens ~~require~~ required the development of facilities and that joint action through a regional industrial facility authority by Pittsylvania, Hurt, Altavista and Danville as its member localities ~~will~~ would facilitate the development of the needed facilities.

d. The original purpose of the regional industrial facility authority ~~is~~was to enhance the economic base for Pittsylvania, Hurt, Altavista and Danville by developing, owning, and operating the SVMP and other agreed upon projects on a cooperative basis involving each of them.

e. In furtherance and support of the LOI, the ~~parties enter into this Agreement~~Original Parties entered into that certain Staunton River Cost and Revenue Sharing Agreement dated December 28, 2018 (the “Original Agreement”), being the effective date of the certificate issued by the Secretary of the Commonwealth confirming the formation of the Staunton River Regional Industrial Facility Authority, a political subdivision of the Commonwealth of Virginia (the “SR RIFA” or the “Authority”), as a revenue and economic growth-sharing arrangement, pursuant to Virginia Code § 15.2-6407, as amended, with respect to tax revenues and other income and revenues generated by any facility owned by the regional industrial facility authority.

f. On June 25, 2019, Altavista’s Town Council approved and adopted a resolution withdrawing as a member locality of the Authority, and the Board of Directors of the Authority adopted a resolution at its meeting held on October 4, 2019, approving the withdrawal of Altavista as a member locality of the Authority, in compliance with the Act, which resolution also confirmed that consistent with Section 15.2-6415 of the Act, Altavista, as a withdrawing member locality, is not entitled to any rights to contributions made by Altavista to the Authority, to any property held by the Authority or to any revenue sharing as allowed by Sections 15.2-6406 and 15.2-6407 of the Code, under the Original Agreement, or otherwise, as of June 25, 2019.

g. The remaining member localities of the Authority, being Pittsylvania, Danville and Hurt, desire to amend and restate the Original Agreement as set forth herein, in furtherance of the purpose of the Authority, which is to enhance the economic base for Pittsylvania, Hurt, and Danville by developing, owning, and operating the SVMP and other agreed upon projects on a cooperative basis involving each of them.

Section 2. - Creation of Staunton River Regional Industrial Facility Authority. The ~~parties have~~Original Parties established a regional industrial facility authoritythe Authority through adoption of respective ordinances, ~~as allowed by and in compliance with the Act. (the “Original Ordinances”), as allowed by and in compliance with the Act, and the Secretary of the Commonwealth issued a Certificate confirming the formation of the Authority pursuant thereto on December 28, 2018. As set forth in Section 1(f) above, Altavista withdrew as a member locality of the Authority, and the Board of the Directors of the Authority approved such withdrawal, in compliance with the Act. Each of Pittsylvania, Danville, and Hurt have adopted amendments to their respective Original Ordinances to reflect the withdrawal of Altavista as a~~

member locality of the Authority as set forth herein, and to approve this Agreement. The terms and duties of the members of the Board of Directors are specified in such amended ordinances and in the Act. ~~The regional industrial facility authority of which each of the parties is a member locality shall be named the “Staunton River Regional Industrial Facility Authority” (the “SR-RIFA” or the “Authority”).~~ The member localities of the Authority are now Pittsylvania, Danville and Hurt.

Section 3. - Definitions.

- a. “**Act**” shall have the same meaning set forth in Section 1(a) above.
- b. “**Agreement**” shall mean this Agreement or this Amended and Restated Staunton River Cost and Revenue Sharing Agreement.
- c. “**Authority**” (or “**SR RIFA**”) shall have the same meaning set forth in Section 2 above or Staunton River Regional Industrial Facility Authority, a political subdivision of the Commonwealth of Virginia.
- d. “**Authority Facility**” (or “**Authority Facilities**”) shall mean any industrial project of the Authority as agreed by all the Member Localities. As of the date of this Agreement, the Authority does not hold an interest to any portion of the SVMP except as provided in the Development Agreement (as defined in this Section 3); however, the parties acknowledge and agree that the Authority's performance under the Development Agreement and the acquisition of one or more lots of the SVMP shall be deemed to be an Authority Facility.
- e. “**Development Agreement**” shall mean a SR RIFA Development and Option Agreement that the Authority may enter into with the land owners of the SVMP whereby the Authority shall have the option to purchase one or more lots of the SVMP for development as an Authority Facility.
- f. “**Dissolution of Authority**” shall be mean the procedures and division of assets in connection with the dissolution of a regional industrial facility authority as set forth in Virginia Code § 15.2-6415, as amended.
- g. “**Facility Generated Income and Revenues**” shall mean any and all identifiable tax revenues generated from property owned currently or at some time by the Authority, which may have been sold, leased, conveyed or transferred to any third party.
- h. “**Grant Applicant Member Locality**” shall have the same meaning set forth in Section 7 below.

i. **“Host Locality”**, with respect to a specific Authority Facility, shall be defined as the Member Locality in which that Authority Facility is physically located.

j. **“LOI”** shall have the same meaning set forth in Section 1(a) above.

k. **“Member”** or **“Member Locality”** shall mean a member locality of the Authority. As of the date of this Agreement, Member or Member Locality shall include Pittsylvania, Hurt, ~~Altavista~~ and Danville.

l. **“Member Controversy”** shall mean a controversy or claim arising of or related to this Agreement or breach hereof.

m. **“Member Locality Obligation”** shall have the same meaning set forth in Section 16 below.

n. **“Member Share”** or **“Member Shares”** shall mean the following percentages: (i) for Pittsylvania, ~~fifty~~sixty-one percent (~~50~~61%); (ii) for Hurt, four percent (4%); ~~and~~ (iii) for ~~Altavista, twenty-three~~Danville, thirty-five percent (~~23~~35%); ~~and (iv) for Danville, twenty-three percent (23%).~~

o. **“Non-Appropriating Member Locality”** shall have the same meaning set forth in Section 16 below.

p. **“Non-Host Locality”** shall be defined as the Member or Member Locality that is not the Host Locality.

q. **“SR RIFA”** (or **“Authority”**) shall have the same meaning set forth in Section 2 above or Staunton River Regional Industrial Facility Authority.

r. **“SVMP”** shall have the same meaning set forth in Section 1(a) above.

s. **“Utility Extension Costs”** shall have the same meaning set forth in Section 4(c) below.

Section 4. - Project Costs; Contributions.

a. Generally. In order to receive and as a condition of receiving its respective Member Share of Facility Generated Income and Revenues under this Agreement, each Member Locality (i) shall make an initial contribution as set forth in Section 8 below and (ii) shall make additional contributions according to its Member Share, as such contributions may be unanimously agreed upon by the Members from time to time in conformance with the provisions

of Section 4(b), in the form of adopting an annual budget for the Authority or passing a specific resolution of the Authority for each such additional contribution by all Members. The budget shall include funds for the acquisition, construction and development of any Authority Facility, as well as for marketing and promotion of any Authority Facility. In the event that a Member does not agree, or for whatever other reason, fails to contribute its Member Share as set forth in a unanimously adopted budget or resolution by the Authority, the Authority, by unanimous vote of the remaining Members, shall have the right to waive such additional contribution obligation by that non-contributing Member, and the Member Shares of all of the Members shall be recalculated based on the additional contributions actually made by the other Members. However, no such waiver may be made by the Authority, if doing so shall cause the Member Share of the non-contributing Member to be equal to or less than zero percent (0%). If such waiver is not made by the Authority, the procedures under Section 16 below shall be employed -- the non-contributing Member shall be deemed to be a Non-Appropriating Member Locality and the amount not contributed by that Member shall be deemed to be a Member Locality Obligation.

Notwithstanding any other provision of this Agreement, any future contributions by a Member Locality to the Authority shall be voluntary and subject to an appropriation by the governing body of the Member Locality. The failure of the governing body of a Member Locality to appropriate funds for any future contribution to the Authority shall not be a breach of this Agreement.

b. Recruitment Incentives; Additional Recruitment Incentives. As part of the Authority's mission, the Authority may offer, from time to time, grants or incentives (collectively, the "**Recruitment Incentives**") to an industry or business client in order to recruit such industry or business to locate within any of the Authority Facilities. The cost value of the Recruitment Incentives offered by the Authority shall be solely determined and based upon expected direct taxes paid by the project via the taxable value of machine, tools and real property. The total value of the Recruitment Incentives offered by the Authority shall be dependent upon the targeted return on investment years as unanimously agreed upon by the Members; however, this provision shall not preclude any Member Locality, on its own behalf and expense, from voluntarily offering additional incentives for a particular project's Recruitment Incentives package. In the event of such additional incentives by a Member Locality (the "**Additive Member Locality**"), the Authority, by unanimous consent of the Member Localities, may deem the value of such additional incentives as a credit toward the Additive Member Locality's Member Share of the Recruitment Incentives offered for a future project, and the provisions of Section 7 below shall apply.

c. "Opt Out" of Additional Contributions for a Proposed Project. In the event that a proposed project would require additional contributions (whether in cash or other property) from every Member according to its respective Member Share, and one or more Members wish to opt-

out from such additional contributions for that project, the Authority, prior to engaging in that project, shall determine by unanimous vote and resolution by its Board of Directors whether one or more of the following would apply: (i) the opting-out Member's share of the revenue from that particular project would be reduced by a fixed dollar amount or by a fixed percentage of up to one hundred percent (100%); (ii) the opting-out Member's share of the revenue from all, but not less than all, Authority projects would be reduced by a fixed dollar amount; and/or (iii) the percentages of the Member Shares would be adjusted based on the value of each such additional contribution made.

d. Utility Extensions. With respect to utility extension installations to an Authority Facility, the costs of any such installation (“**Utility Extension Costs**”) shall be deemed to be the exclusive cost of the Member Locality whose service jurisdiction includes the area of such installation. Utility Extension Costs shall be excluded from a cost of the Authority that otherwise would be shared by the Member Localities according to the respective Member Share. Accordingly, Utility Extension Costs shall be disregarded for purposes of any Dissolution of Authority; however, if the Authority, in its sole discretion, advanced Utility Extension Costs for the benefit of a Member Locality and such advance is unpaid, the value of assets of the Authority to be distributed to that Member Locality shall be reduced by an amount equal to the unpaid balance of the advance. Notwithstanding the foregoing, the costs of utility extension installations to the SVMP shall be at the exclusive cost of Pittsylvania (or the Pittsylvania County Service Authority, a political subdivision of the Commonwealth of Virginia, as the case may be).

~~Notwithstanding any other provision of this Agreement, Altavista shall have no obligation to provide utility services to the SVMP. Any future extensions of utility lines or expansions in treatment or supply capacity by Altavista shall be addressed in a future agreement according to the terms and conditions stated in any such future agreement.~~

Notwithstanding any other provision of this Agreement, Hurt shall have no obligation to provide utility services to the SVMP. Any future extensions of utility lines or expansions in treatment or supply capacity by Hurt shall be addressed in a future agreement according to the terms and conditions stated in any such future agreement.

Section 5. - Income and Revenues.

a. Income Generated by the Authority. The parties agree that any and all income generated as a result of sales, leases, conveyances, and/or interest on funds held by the Authority shall constitute income generated by the Authority. Such income generated by the Authority shall be held and utilized by the Authority in accordance with the Act to further promote economic development within the localities of the Members, as the Authority in its discretion deems appropriate.

b. Additional Funding Contributions by all Member Localities. The parties agree that additional funding shall be necessary for the acquisition, construction and development of the SVMP and other Authority Facilities designated from time to time. The parties further agree that in the event the Member Localities unanimously determine that such additional funding for such purposes needs to be contributed to the Authority, then each Member Locality shall contribute its respective Member Share of such funding, subject to the provisions of Section 4 above and Section 16 below.

As provided in Section 4(a) above, any future contributions by a Member Locality to the Authority shall be voluntary and subject to an appropriation by the governing body of the Member Locality. The failure of the governing body of a Member Locality to appropriate funds for any future contribution to the Authority shall not be a breach of this Agreement.

Section 6. - Administration of the Funding for Projects. The parties agree that the administration and support given to each Authority Facility as well as support given to the Authority shall be allocated and determined by the Authority. Unless otherwise determined by resolution of the Authority, Pittsylvania shall serve as fiscal agent of the Authority for the development of the SVMP and all other Authority Facilities.

Section 7. - Pursuit of Other Funding. Nothing in this Agreement shall preclude any one or more Member Localities from pursuing, and successfully receiving, other funding sources to pay for site development of, or Recruitment Incentives for, any Authority Facility (“**Grant Applicant Member Locality**”). However, one Member Locality cannot and shall not bind any of the other Member Localities (or the Authority, as the case may be) to any grants without the express written approval of all Member Localities (or the Authority, as the case may be). Moreover, in the event that a Grant Applicant Member Locality is obligated to return grant monies or to make other reimbursements to the grant source or its designee, the amount of such returned monies or reimbursements shall be deemed to be a cost of the Authority and subject to the cost-sharing provisions of Section 4 above, so long as (i) the Grant Applicant Member Locality had obtained written approval from all Member Localities (or the Authority, as the case may be) of the Grant Applicant Member Locality's grant conditions; and (ii) the purposes of the grant were in furtherance of the acquisition, construction or development of an Authority Facility, including without limitation Recruitment Incentives.

Section 8. - Initial Contributions. ~~The Member Localities hereby acknowledge~~The Original Parties made the initial contributions to the Authority as follows:

Member Locality	Contribution
Pittsylvania	\$50,000.00

Member Locality	Contribution
Hurt	\$4,000.00
Altavista	\$23,000.00
Danville	\$23,000.00
<i>Total</i>	\$100,000.00

All other contributions from a Member Locality to the Authority shall be acknowledged by the Treasurer of the Authority, who shall update the respective Member Shares of the Member Localities.

Section 9. - Sharing of Machinery and Tools Tax Revenues. Once one or more industries or businesses have located within any Authority Facility, the Host Locality will begin to realize tax revenues from such industries or businesses for machinery and tools tax. The Host Locality alone shall determine the rate at which machinery and tools are taxed and the due date of such taxes. The Host Locality agrees that subject to Section 16 below, upon receipt of machinery and tools tax remitted by an industry or business located within an Authority Facility, the Host Locality shall appropriate the total of taxes so received, pay the same to each of the Non-Host Localities according to the respective Member Share, and retain the remaining amount.

Section 10. - Sharing of Real Property and Personal Property Tax Revenue. Once one or more industries or businesses have located within any Authority Facility or purchased real property in any Authority Facility, the Host Locality will begin to realize tax revenues from such industries or businesses for real property and personal property. The Host Locality alone shall determine the rate at which real and personal property is taxed and the due date of such taxes. The Host Locality agrees that subject to Section 16 below, upon receipt of such real property taxes, personal property taxes or both remitted by an industry or business located within an Authority Facility, the Host Locality shall appropriate the total of taxes so received, pay the same to each of the Non-Host Localities according to the respective Member Share, and retain the remaining amount.

Section 11. - Sharing of Miscellaneous Tax Revenues. Once one or more industries or businesses have located within any Authority Facility, the Host Locality will begin to realize other tax revenues from business license tax, meals tax, lodging tax and any alcohol tax or any income and other Facility Generated Income and Revenues in addition to those described in Sections 9 and 10 above. The Host Locality alone shall determine the tax rates for these taxes and their due dates. The Host Locality agrees that subject to Section 16 below, upon receipt of such taxes remitted shall appropriate the total taxes so received from these industries or businesses located in the Authority Facility, pay the same to each of the Non-Host Localities

according to the respective Member Share, and retain the remaining amount. The parties further agree that should the General Assembly of the Commonwealth of Virginia authorize a locality to levy and collect a new local tax and should the Host Locality choose to implement such future tax on property located within a Host Locality, then the parties agree that such new tax revenues realized from a joint regional authority will be shared equally in the same manner and fashion as other taxes within this Agreement.

Section 12. - Payment of Tax Revenues; No Pledge of the Credit or Taxing Power. All tax revenues due to the Non-Host Locality under this Agreement shall be paid by the Host Locality within sixty (60) days after receipt and appropriation of such tax revenues. If any tax delinquencies occur, each Non-Host Locality will pay its respective Member Share of the cost of collecting past due taxes, and will receive its respective Member Share of the penalties and interest accrued and paid. In accordance with Virginia Code § 15.2-6406, as amended, the sharing of tax revenues of the governing body of a Member Locality pursuant to this Agreement shall not constitute a pledge of the credit or taxing power of such Member Locality.

Section 13. - Decisions by or Consent from the Member Localities. Except for decisions or consents pertaining to Dissolution of Authority, the amendment of this Agreement, or additional contributions to the Authority, or except as otherwise required by law, the requirement of any decision or consent of a Member Locality under this Agreement may be satisfied, but shall not be required to be satisfied, by a writing executed by those certain directors of the Authority who were appointed by that Member Locality.

Section 14. - Dissolution of Authority. In the event of Dissolution of Authority, Dissolution of Authority shall be made pursuant to Virginia Code § 15.2-6415, as amended. Reference is here made to Section 4(c) above with respect to Utilities Extension Costs and Section 16 below.

Section 15. - Limitation of Liability. The Authority shall ensure the payment of all obligations, costs, and expenses for the implementation of any Authority Facility anticipated under this Agreement. The parties acknowledge that no Member Locality shall be liable or responsible for the financing or for any debts of any Authority Facility, except with the prior express, written consent of that Member Locality or except as expressly provided in this Agreement.

Section 16. - Non-Appropriation Provision. Notwithstanding any other provision in this Agreement to the contrary, if any Member Locality fails during any fiscal year to appropriate or allocate sufficient funds to pay the amounts to be paid by that Member Locality (the “**Non-Appropriating Member Locality**”) pursuant to this Agreement which become due and payable during such fiscal year (the “**Member Locality Obligation**”), then the Member Locality Obligation of that Non-Appropriating Member Locality shall terminate at the end of the fiscal

year in which such non-appropriation occurs. However, unless the Member Locality Obligation is waived by the Authority and the Member Shares of the Member Localities are recalculated as set forth in Section 4 above, the unpaid balance of the Member Locality Obligation shall be applied against the Non-Appropriating Member Locality's Member Share of all sums otherwise payable and due to such Non-Appropriating Member under this Agreement.

As provided in Section 4(a) above, the failure of the governing body of a Member Locality to appropriate funds for any future contribution to the Authority shall not be a breach of this Agreement.

Section 17. - Non-waiver. No waiver of any term or condition of this Agreement by any party shall be deemed a continuing or further waiver of the same term or condition or a waiver of any other term or condition of this Agreement.

Section 18. - Attorneys' Fees. Except for the attorneys' fees of Clement & Wheatley, A Professional Corporation, pertaining to the formation of the Authority and the negotiating, drafting, and execution of the Development Agreement which shall be the responsibility of the Authority, each Member shall be solely responsible for its respective attorneys' fees in the negotiating, drafting, and execution of this Agreement and any of the transactions contemplated hereby.

Section 19. - Other Documents. The parties agree that they shall execute, acknowledge, and deliver all such further documents as may be reasonably required to carry out and consummate the transactions contemplated by this Agreement.

Section 20. - Mediation.

a. If the parties are unable to resolve a Member Controversy, the parties shall attempt to resolve the same by mediation by a mediator of The McCammon Group, who is experienced and knowledgeable in the subject matter of such Member Controversy, in accordance with the rules of such mediator or such other rules as the parties in dispute may then agree. If a party fails to respond to a written request for mediation within thirty (30) days after service or fails to participate in any scheduled mediation conference, that party shall be deemed to have waived its right to mediate the issues in dispute, and any unresolved Member Controversy may be submitted to a court of competent jurisdiction, so long as the venue is located outside the geographic area of the Member Localities in dispute.

b. The mediator from The McCammon Group shall be selected by the parties in dispute. The mediator shall conduct mediation at the location to be agreed upon by the parties in dispute or absent such agreement, by the mediator, so long as the location is not within the geographic area of the Member Localities in dispute. Within two (2) days after selection, the

parties in dispute shall furnish the mediator with copies of the notice, this Agreement, the party's (or parties') response, and any other documents exchanged by the parties in dispute. If the mediation does not result in settlement of the Member Controversy within thirty (30) days after the initial mediation conference, then the mediator shall make a written recommendation as to the resolution of the Member Controversy. Each party in dispute, in its sole discretion, shall accept or reject such recommendation in writing within ten (10) days after receipt of such recommendation. If such recommendation is not so accepted by both parties in dispute or a settlement is not so reached within such ten (10) day period, any remaining Member Controversy may be submitted to a court of competent jurisdiction, so long as the venue is located outside the geographic area of the Member Localities in dispute.

c. Notwithstanding anything contained herein to the contrary, the provisions of this Section 20 shall not preclude any party, prior to an election for or pending mediation of a matter, from pursuing in a court of competent jurisdiction temporary injunctive or other equitable relief to protect the parties' respective interests under this Agreement or under the Act.

d. The compensation and expenses of the mediation and any administrative fees or costs of mediation shall be borne equally by the parties in dispute.

Section 21. - Default. The parties retain all rights at law and in equity to enforce the provisions of this Agreement in accordance with applicable law.

Section 22. - Headings. The descriptive headings in this Agreement are inserted for convenience only and do not constitute a part of this Agreement.

Section 23. - Notices. Any notice required or contemplated to be given to a party by any of the parties by any other party shall be in writing and shall be given by hand delivery, certified or registered United States mail, or a private courier service which provides evidence of receipt as part of its service, to the Clerk of that Member, with a copy to that Member's attorney and to the attorney of the Authority. Any party may change the address to which notices hereunder are to be sent to it by giving written notice of such change in the manner provided herein. A notice given hereunder shall be deemed given on the date of hand delivery, deposit with the United States Postal Service properly addressed and postage prepaid, or delivery to a courier service properly addressed with all charges prepaid, as appropriate.

Section 24. - Governing Law; Interpretation. This Agreement shall be governed by and construed in accordance with the laws of the Commonwealth of Virginia. The parties have participated jointly in the negotiation and drafting of this Agreement. If any ambiguity or question of intent or interpretation arises, this Agreement shall be construed as if drafted jointly by the parties and no presumptions or burden of proof shall arise favoring or disfavoring any party by virtue of authorship of any of the provisions of this Agreement. In addition, this

Agreement is to be interpreted to the fullest extent possible as a revenue sharing agreement permitted under Virginia Code § 15.2-6407, as amended, and the obligations of the parties shall not be construed to be a debt within the meaning of Article VII, Section 10 of the Constitution of Virginia.

Section 25. - Amendment, Modification and/or Supplement. The parties may amend, modify, and/or supplement this Agreement in such manner as may be agreed upon by the parties, provided such amendments, modifications, and/or supplement are reduced to writing and signed by the parties or their successors in interest.

Section 26. - Binding Effect. This Agreement shall be binding upon and inure to the benefit of the parties hereto and their respective successors, assigns, and legal representatives.

Section 27. - Gender and Number. Throughout this Agreement, wherever the context requires or permits, the neuter gender shall be deemed to include the masculine and feminine, and the singular number to include the plural, and vice versa.

Section 28. - Severability. The invalidity or unenforceability of any particular provision of this Agreement shall not affect the other provisions hereof, and this Agreement shall be construed in all respects as if such invalid or unenforceable provisions were omitted.

Section 29. - Survival. Any termination, cancellation or expiration of this Agreement notwithstanding, provisions which are by their terms intended to survive and continue shall so survive and continue.

[SIGNATURES ON FOLLOWING PAGES.]

WITNESS the following signature to this AMENDED AND RESTATED
STAUNTON RIVER COST AND REVENUE SHARING AGREEMENT as of the date first
above written:

COUNTY OF PITTSYLVANIA, VIRGINIA, a
political subdivision of the Commonwealth of
Virginia

By: _____
DAVID M. SMITHERMAN, County
Administrator

ATTEST:

HOLLYE M. KEESEE
Executive Assistant, County Administration
County of Pittsylvania, Virginia

APPROVED AS TO FORM:

J. VADEN HUNT
County Attorney
County of Pittsylvania, Virginia

WITNESS the following signature to this AMENDED AND RESTATED
STAUNTON RIVER COST AND REVENUE SHARING AGREEMENT as of the date first
above written:

TOWN OF HURT, VIRGINIA, a Virginia
municipal corporation

By: _____
GARY N. POINDEXTER, Mayor
Town Council

ATTEST:

SUSAN NICHOLS
Clerk
Town of Hurt, Virginia

APPROVED AS TO FORM:

RUSSELL O. SLAYTON, ESQ.
Special Counsel to
Town of Hurt, Virginia

WITNESS the following signature to this ~~STAUNTON RIVER COST~~AMENDED
AND ~~REVENUE SHARING AGREEMENT~~ as of the date first above written:

~~TOWN OF ALTAVISTA, VIRGINIA~~, a Virginia
municipal corporation

By: _____
~~MICHAEL E. MATTOX~~, Mayor
Town Council

ATTEST:

~~J. WAVERLY COGGSDALE, III~~
Town Manager and Clerk
Town of Altavista, Virginia

APPROVED AS TO FORM:

~~GREGORY J. HALEY, ESQ.~~
Special Counsel to
Town of Altavista, Virginia

~~WITNESS the following signature to this~~ RESTATED STAUNTON RIVER COST
AND REVENUE SHARING AGREEMENT as of the date first above written:

CITY OF DANVILLE, VIRGINIA, a Virginia
municipal corporation

By: _____
KEN F. LARKING, City Manager

ATTEST:

SUSAN M. DeMASI
Clerk
City of Danville, Virginia

APPROVED AS TO FORM:

W. CLARKE WHITFIELD, JR.
City Attorney
City of Danville, Virginia

AMENDED AND RESTATED BYLAWS
OF
STAUNTON RIVER REGIONAL INDUSTRIAL FACILITY AUTHORITY

Adopted February 8, 2019
Revised ¹

ARTICLE I. PURPOSES AND POWERS

Staunton River Regional Industrial Facility Authority (the “**Authority**”) shall be organized and operated in accordance with Title 15.2, Chapter 64 of the Code of Virginia, 1950, as amended, also known as the Virginia Regional Industrial Facilities Act (the “**Act**”), as the same may be amended from time to time. The Authority shall also comply with all lawful directives as may be mutually agreed its members: (i) the County of Pittsylvania, Virginia (the “**Pittsylvania**”); (ii) the Town of Hurt, Virginia (“**Hurt**”); and (iii) the ~~Town of Altavista, Virginia (“**Altavista**”); and (iv) the~~ City of Danville, Virginia (~~“(“**Danville**”)~~). The general purpose of the Authority shall be to enhance the economic base of Pittsylvania, Hurt, ~~Altavista~~ and Danville by developing, owning, and operating one or more facilities on a cooperative basis involving such localities (each locality being hereinafter referred to as a “**Member Locality**” or collectively hereinafter referred to as “**Member Localities**”), including without limitation the specific purpose to develop the Southern Virginia Multimodal Park located in Pittsylvania County, and to develop one or more parcels within the boundaries of the Member Localities as regional industrial parks and for additional purpose of future development of other industrial properties or other reasons as permitted by the Act and as agreed upon by the Member Localities. The Authority shall have any and all powers under the Act, as the same may be amended from time to time.

ARTICLE II. OFFICES

1. The principal office of the Authority shall be located within the boundaries of a Member Locality as designated by the Board of Directors of the Authority (the “**Board**”).
2. The title to all property of every kind belonging to the Authority shall be titled in the name of the Authority, which shall hold such title for the benefit of its Member Localities.
3. Except as otherwise required by resolution of the Authority, or as the business of the Authority may require, all of the books and records of the Authority shall be kept at the office to be designated as provided above.

¹ The original Bylaws of the Authority were adopted by the Board of the Authority at its organizational meeting held on February 8, 2019 (the “**Original Bylaws**”). The Town of Altavista, Virginia (“**Altavista**”) was a Member Locality of the Authority under the Original Bylaws. Altavista’s Town Council approved and adopted a resolution on June 25, 2019, withdrawing as a Member Locality of the Authority, and the Board of the Authority approved such withdrawal by the adoption of a resolution at its meeting held on October 4, 2019. These Amended and Restated Bylaws are adopted to remove Altavista as a Member Locality and to make conforming changes in connection therewith and consistent with the Amended and Restated Cost and Revenue Sharing Agreement dated October 4, 2019.

4. The minutes of the Authority shall be open and available for inspection as required by The Virginia Freedom of Information Act, Virginia Code §§ 2.2-3700 *et seq.*, as amended. Draft minutes shall be made reasonably available within ten (10) business days of the meeting to which they relate. Final minutes shall be made reasonably available within three (3) business days of approval by the Board.

ARTICLE III. MEMBERSHIP

The Member Localities of the Authority are Pittsylvania, Hurt, ~~Altavista~~, and Danville, each of which is a political subdivision of the Commonwealth of Virginia, and each of which is authorized by the Act to participate in the Authority. The membership may, with unanimous approval of the Board, be expanded as may be authorized in the Act.

ARTICLE IV. MEMBER LOCALITY AGREEMENT

1. The Authority shall be governed by the Act, these Bylaws and by the Amended and Restated Staunton River Cost and Revenue Sharing Agreement among Pittsylvania County, Virginia, the Town of Hurt, Virginia, ~~the Town of Altavista, Virginia,~~ and the City of Danville, Virginia, dated as of ~~December 28, 2018~~ October 4, 2019, executed by the Governing Body of each Member Locality (the “**Agreement**”). The Agreement establishes the respective rights and obligations of the Member Localities and provides for revenue and economic growth-sharing arrangements with respect to tax revenues and other income and revenues generated by any facility owned by the Authority.

2. Without limiting the provisions of the Agreement, each Member Locality, through its county administrator, town manager, city manager or other respective designee, is authorized to incur, on behalf of the Authority, up to an aggregate amount of Ten Thousand Dollars (\$10,000.00) in reasonable expenses, related to, or arising out of, (i) developing or testing the Authority’s projects for a particular business prospect or (ii) marketing to a particular business prospect. Prior to incurring any such expense under this paragraph, the Member Locality shall consult with the other Member Localities on such business prospect. Such expenses shall be reported to the Board at its next regular meeting for consideration and ratification.

ARTICLE V. BOARD OF DIRECTORS

1. The powers, rights, and duties conferred by the Act upon the Authority shall be exercised by the Board, which shall consist of ~~eight (8)~~ six (6) members, as follows:

Pittsylvania: Two (2) members of the Board;
Hurt: ~~Two (2) members of the Board;~~
~~Altavista:~~ Two (2) members of the Board; and
Danville: Two (2) members of the Board.

In addition to the members of the Board, each Governing Body of each Member Locality shall select one (1) alternate director, to serve in the absence of a director appointed by the Governing Body of such Member Locality, in accordance with the provisions of these Bylaws.

2. Each Member Locality shall appoint to the Board (2) members according to paragraph 1 of this Article, from its Governing Body to serve an initial four (4) year term pursuant to the Act. Each Member Locality shall also appoint one (1) member from its Governing Body to serve an initial four (4) year term as an alternate director. Each appointee of a Governing Body shall be a resident of the Member Locality of that Governing Body. Notwithstanding the foregoing, so long as a Board member is otherwise qualified to serve in accordance with these Bylaws (i.e., is a member of the appointing Governing Body), such Board member shall hold office until a successor is duly appointed by the appropriate Governing Body.

3. In order to remain eligible as a director or alternate director of the Authority, such director or alternate director must be a current member of the Governing Body that appointed that director or alternate director. Once a director or alternate director of the Authority is no longer a member of the Governing Body, the Member Locality will appoint a new director or alternate director, as the case may be, from its Governing Body to fill the unexpired term of the vacating director or alternate director as the case may be. In the event of a vacating director, the alternate director from the same Member Locality shall serve until a replacement director is appointed by the Governing Body of such Member Locality, which shall have the authority to fill any such vacancies.

4. Each director or alternate director of the Board, before entering upon the discharge of the duties of the office, shall take and subscribe to the oath prescribed in Virginia Code § 49-1, as amended, and shall serve in compliance with the Act, these Bylaws and the Agreement.

5. In the absence of a director appointed by the Governing Body of a Member Locality, the alternate director of the same Member Locality may act in place of such absent director. The alternate director from one Member Locality shall not have the right to vote unless at least one (1) director from the same Member Locality is absent.

6. All powers and duties of the Authority shall be exercised and performed by the Board, acting by simple majority vote of those directors present at a meeting at which a quorum is present, except that no facilities owned by the Authority shall be leased or disposed of in any manner without a majority vote of the Board. A quorum shall consist of ~~three (3)~~two (2) directors (including any alternate director entitled to vote at such meeting) of the Board, where each of them represents a different Member Locality. For the purposes of determining quorum, an alternate director from one Member Locality shall not be counted unless a director of the same Member Locality is absent. No vacancy in the membership of the Board shall impair the right of a quorum to exercise all the rights and perform all the duties of the Board.

7. Members of the Board and alternate directors shall be reimbursed for actual and reasonable expenses incurred the performance of their duties from funds available to the Authority.

ARTICLE VI. OFFICERS

1. The Board shall elect from its directors a Chairman and a Vice Chairman. The director elected to the office of Chairman shall rotate each term of office from one Member Locality to each of the other Member Localities, beginning with Pittsylvania, next Hurt, ~~next Altavista,~~ and next Danville and then repeating such rotation in the same order with Pittsylvania, next Hurt, ~~next Altavista,~~ and next Danville.

2. The term of office for the officers shall be for the calendar year in which they are elected, and shall continue until their successors are elected.

3. The duties of the Chairman shall be to preside at meetings of the Authority; to prepare the agenda for any and all meetings, and to make a copy of such agenda available to the Secretary for the purpose of providing notice of special meetings as hereinafter provided; to call special meetings; to call special elections; to appoint committees as may be deemed appropriate to carry out the intents and purposes of the Authority; to be ex officio a member of all committees; to sign, with the Secretary or any other proper officer of the Authority authorized by the Board, any documents or instruments which the Board has authorized to be executed, except in cases where the signing and execution thereof shall be expressly delegated by the Board or by these Bylaws to some other officer of the Authority, or shall be required by law to be otherwise signed or executed; and in general shall perform all duties incident to the office of Chairman and such other duties as may be prescribed by the Board from time to time. The Chairman shall have an equal vote with the other directors, and shall not have a second, tie-breaking vote on any question.

4. The Vice Chairman shall, in the absence or disability of the Chairman, perform the duties imposed upon the Chairman and exercise the powers granted to the Chairman, including without limitation those duties and powers set forth in these Bylaws. The director elected to the office of Vice Chairman shall not be from the same Member Locality as that of the Chairman and shall rotate each term of office from one Member Locality to each of the other Member Localities, beginning with Hurt, next ~~Altavista,~~ next Danville, and next Pittsylvania and then repeating such rotation in the same order with Hurt, ~~next Altavista,~~ next Danville, and next Pittsylvania.

5. The Board shall appoint a Secretary and a Treasurer from the Authority's staff, which may include staff provided by a Member Locality or other persons employed or contracted by the Authority. The offices of Secretary and Treasurer may be held by the same person. If a person serving as Secretary or Treasurer ceases to be staff of a Member Locality, such person shall not be disqualified from serving as Secretary or Treasurer and shall continue to serve the remainder of the term of office unless such person is sooner removed or resigns from such office.

a. The duties of the Secretary shall be to take the minutes of the meetings of the Board; to have custody of all records of the Authority; to have custody of the Seal of the Authority and to ensure that the Seal of the Authority is affixed to all documents or instruments, the execution of which on behalf of the Authority under its Seal is duly authorized by the Board; to sign with the Chairman (or the Vice Chairman, as the case may be) any documents or instruments which the Board has authorized to be executed; to ensure that all notices are duly given as required by law, these Bylaws or by the Board; to call meetings of the Board to order in

the absence of the Chairman and the Vice Chairman, and thereupon to conduct an election for a temporary presiding officer for that meeting; and in general to perform all duties incident to the office of Secretary and such other duties as from time to time may be assigned by the Board. In the absence of the Secretary, the Chairman shall appoint a director or alternate director or shall direct a member of the Authority's staff to be responsible for the preparation of detailed minutes of any meeting.

b. The duties and authority of the Treasurer shall include: (a) the duty to keep suitable records of all financial transactions of the Authority; (b) the authority to arrange for the preparation of any audits of the financial records of the Authority, as may be directed by the Board; (c) the duty and authority to have charge and custody of all funds and arrange for their investment and deposit in the name of the Authority when authorized by the Board; (d) the duty and the authority, in the absence of the Secretary, to perform all duties of the Secretary, except for those certain other duties which the Chairman, under the Bylaws, delegates to a director, alternate director, officer or staff member in the Secretary's absence; and (e) in general, the duty and the authority to perform all the duties incident to the office of Treasurer and such other duties as from time to time may be assigned by the Board. The Treasurer shall give bond in such sum as may be fixed by the Board with surety to be approved by the Board. The cost of such surety shall be paid by the Authority.

ARTICLE VII. ELECTIONS OR APPOINTMENT OF OFFICERS

1. Regular elections or appointment of officers shall be held at the regular meeting of the Board in January of each year.

2. Special elections of officers in order to fill vacancies or to fill newly created offices shall be held (i) at a regular meeting duly called or (ii) at a special meeting designated by the Chairman, but only after notice of such special meeting, as provided in Paragraph 3 of Article VIII ("**Meetings**"), has been given.

ARTICLE VIII. MEETINGS

1. The Board shall determine the times and places of its regular meetings, but shall meet at least, for its annual meeting, as set forth in Paragraph 2 below. Regular meetings of the Board shall be open to the public (unless otherwise provided under Virginia Code § 2.2-3711, as amended or successor provision). Regular meetings shall be held in Pittsylvania, Hurt, ~~Altavista~~ or Danville upon call of the Chairman or as otherwise provided in these Bylaws. At a regular meeting, any business may be brought before the Board, whether or not that business is set forth in the notice of regular meeting. In the event that the date of any regular meeting determined by the Board is a date on which any one or more of the Member Localities' administrative offices are closed for business, the regular meeting shall be held on the next date on which all the Member Localities' administrative offices are open for business. At the regular meeting of the Board in January, the Board shall elect or appoint its officers to serve for that calendar year.

2. The annual meeting of the Board shall take place at the regular meeting of the Board in July of each year, at such place, time, and date as may be established by the Board or

the Chairman. Each Member Locality shall make its appointments prior to such annual meeting so that the membership of the Board will be complete for such annual meeting.

3. Special meetings of the Board may be called by the Chairman at the request of (a) any two (2) directors; (b) two (2) alternate directors; or (c) one (1) director and one (1) alternate director, so long as those two (2) persons requesting the special meeting represent different Member Localities. Such request shall be in writing, which may be by email to the Chairman at the email address of record, and shall specify the time and place of the special meeting and the matters to be considered at the special meeting. No matter not specified in the notice of special meeting shall be considered at such special meeting unless all directors (or an alternate director acting in lieu of an absent director) of the Board are present. Special meetings shall be open to the public (unless otherwise permitted under Virginia Code § 2.2-3711, as amended or successor provision).

4. Notices of both regular and special meetings shall be mailed by the Secretary to each member of the Board not less than three (3) business days before any such meeting; and notices of special meetings shall state the purposes thereof. All notices required herein shall state the date, time, and location of the meeting and shall be delivered by hand, United States mail, or a private courier service which provides evidence of receipt as part of its service to the address of record of all directors and alternate directors. A notice given hereunder shall be deemed given on the date of hand delivery, deposit with the United States Postal Service properly addressed and postage prepaid, or delivery to a courier service properly addressed with all charges prepaid, as appropriate. Any notice required herein may be waived in writing by the party entitled to such notice, and such waiver may specify that notice may be given to such party electronically (including without limitation by email or access to a website) in lieu of other means of delivery.

At the time that any such notice is given to the directors and alternate directors, a copy of such notice shall be posted (i) in a prominent location at which notices are regularly posted, and (ii) at the office of the clerk of the Authority, currently at 1 Center Street, Chatham, Virginia. A copy of any agenda materials or other information included with the notice to the directors and alternate directors (other than materials exempt from disclosure under The Virginia Freedom of Information Act, Virginia Code §§ 2.2-3700, *et seq.*, as amended) shall be posted or made available with the copy of such notice. Notice may also be posted electronically on the Authority's website or otherwise, but such posting shall not be required.

At least one (1) copy of the agenda materials or other information given at the meeting to the directors and alternate directors (other than materials exempt from disclosure under The Virginia Freedom of Information Act, Virginia Code §§ 2.2-3700, *et seq.*, as amended) shall be made open and available for inspection at the meeting.

Attendance of a director or alternate director at a meeting shall constitute a waiver of notice of such meeting, except where a director or alternate director attends for the express purpose of objecting to the sufficiency of the notice given or to the lack of notice.

5. Formal action shall be taken by the Board only at open meeting sessions, and such sessions shall be open to the public.

6. The vote on the adoption of every resolution, any proposals creating a liability, or for the appropriation or expenditure of funds shall be by yeas or nays, and whenever the vote is not unanimous, the names of the directors (or alternate directors, where permitted under these Bylaws) voting for and of those voting against such action shall be entered upon the minutes.

7. Unless otherwise provided, procedure at meetings shall follow Robert's Rules of Order as then revised.

8. When approved, all minutes shall be signed by the Secretary and the presiding officer of the particular meeting.

9. All actions of the Board requiring the approval of an expenditure will be accompanied by a budget reference and/or funding source.

10. No item will be added to the agenda of a Board meeting without the unanimous consent of the Board members present.

ARTICLE IX. REQUIRED REPORTS

1. Annual Reports. The Board shall report to the Governing Body of each Member Locality annually, on or before the last March meeting of the Governing Body, on the activities of the Authority. In addition to oral presentation at the meeting, a written annual report shall be provided prior to the meeting and shall contain, at a minimum, the following information:

- a. A financial update through December 31 of the current fiscal year;
- b. After completion of the first fiscal year, an audited financial report showing expenditures and revenues and a statement showing financial condition at the end of the preceding fiscal year;
- c. A written report, approved by the Board, of the activities and accomplishments of the Authority and recommendations regarding future activities of the Authority; and
- d. A list of tenants, purchasers or other persons occupying the Southern Virginia Multimodal Park and any other regional industrial facilities developed by the Authority.

2. Special Reports. Upon written request of the Governing Body of any Member Locality, the Board shall report to such Governing Body within thirty (30) days of receipt of such request or within a longer period if so provided in such request. The special report shall describe the activities and financial status of the Authority within the six (6) month period

immediately preceding the request, or as otherwise specified in the request and shall be furnished to each Member Locality. A written report shall be provided if requested.

ARTICLE X. FUNDING

Funding of the Authority shall be by appropriation as decided from time to time by the Governing Bodies of the Member Localities and from such other sources as are identified in the Agreement.

ARTICLE XI. STAFF

The Board may hire such employees as are necessary to accomplish the purposes and powers of the Authority.

ARTICLE XII. OFFICIAL SEAL

The Seal of the Authority shall show the name of the Authority, the name of the Commonwealth, and the year of its formation; i.e., “**STAUNTON RIVER REGIONAL INDUSTRIAL FACILITY AUTHORITY - VIRGINIA - 2018**”.

ARTICLE XIII. FISCAL YEAR

The fiscal year of the Authority shall be from July 1 until June 30 of the following year.

ARTICLE XIV. AMENDMENTS

Except as otherwise provided by law, these Bylaws may be amended, repealed, or altered, in whole or in part, by a majority vote of the Board, at any regular meeting of the Board, or at any special meeting where such action has been announced in the call and notice of such meeting; however, instead of the time frame described in Paragraph 3 of Article VIII (“**Meetings**”) above, at least one (1) week advance written notice of such proposed amendment, repeal or alteration shall be given the directors and alternate directors.

The undersigned hereby certify that the foregoing are the Amended and Restated Bylaws adopted by the Board of Directors at its ~~initial~~ meeting held on ~~February 8~~ _____, 2020, to be effective as of October 4, 2019.

Secretary

**The footnotes and annotations do not constitute part of these Bylaws and are provided for convenience only.*

Council Letter

City of Danville, Virginia



CL-2283

New Business B.

City Council Regular Meeting

Meeting Date: 04/07/2020

Subject: Recreation Enrichment Program

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

COUNCIL ACTION

First Reading: 04/07/2020

Final Adoption: 04/21/2020

SUMMARY

The Danville-Pittsylvania Community Services Board will award funds in the amount of \$55,220 to the City's Department of Parks and Recreation for Fiscal Year 2020 for the Recreation Enrichment Program.

BACKGROUND

The Danville-Pittsylvania Community Services Board will award funds in the amount of \$55,220 to the City's Department of Parks and Recreation. This is a continuation of funding which the City receives each year. With these funds, the Special Recreation Division provides recreation, education and cultural services for individuals with intellectual disabilities. The funds will be matched with in-kind funds of \$139,656 for a total appropriation of \$194,876. The in-kind funds are included with the City's Fiscal Year 2020 budget.

RECOMMENDATION

It is recommended that City Council adopt an Ordinance appropriating funds to the City's Department of Parks and Recreation.

Attachments

Ordinance

PRESENTED: _____

ADOPTED: _____

ORDINANCE NO. 2020-____.____

AN ORDINANCE AMENDING THE FISCAL YEAR 2020 BUDGET APPROPRIATION ORDINANCE TO PROVIDE FOR FUNDS IN THE AMOUNT OF \$55,220 FOR A RECREATION ENRICHMENT PROGRAM AND THE LOCAL IN-KIND SHARE OF \$139,656 FOR A TOTAL APPROPRIATION OF \$194,876 AND APPROPRIATION OF SAME.

NOW THEREFORE, BE IT ORDAINED, by the Council of the City of Danville, Virginia that the Fiscal Year 2020 Budget Appropriation Ordinance be, and the same is hereby, amended by increasing revenues for funds from Danville-Pittsylvania Community Services to the Department of Parks and Recreation, Special Recreation Division, in the amount of \$55,220 and in-kind services in the amount of \$139,656 for the purpose of operating a Recreation Enrichment Program to provide services for the intellectually disabled, appropriating same within the Special Grants Fund, such appropriation be as follows:

ANTICIPATED REVENUES

<u>Description</u>	<u>Account</u>	<u>Amount</u>
Categorical Aid--State: Danville-Pittsylvania Community Services	60299000-45620	\$ 55,220
Local Share: In-Kind Services Recreation Enrichment Program	60300000-44890	<u>\$139,656</u>
	Total	<u>\$194,876</u>

ANTICIPATED EXPENDITURES

<u>Description</u>	<u>Account</u>	<u>Amount</u>
Recreation Enrichment	60299999-50	\$ 55,220
Recreation Enrichment – In-Kind:		
Salaries & Wages	60300000-59500	\$ 95,061
FICA Taxes	60300000-59510	\$ 7,186
Retirement-ERS	60300000-59520	\$ 2,787
Automotive/Motor Pool	60300000-59615	\$ 10,056
Utilities	60300000-59625	\$ 10,002
Telephone	60300000-59635	\$ 612
Group Health Insurance	60300000-59530	\$ 13,796
Group Life Insurance	60300000-59531	\$ 156
	Sub-Total	<u>\$139,656</u>
	Total	<u>\$194,876</u>

AND BE IT FURTHER ORDAINED, that all other accounts and provisions of the Fiscal Year 2020 Budget Appropriation Ordinance not hereby amended shall continue in full force and effect unless and until hereafter further amended or repealed; and

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

APPROVED:

MAYOR

ATTEST:

CLERK

Approved as to
Form and Legal Sufficiency:

City Attorney

Council Letter

City of Danville, Virginia



CL-2293

New Business C.

City Council Regular Meeting

Meeting Date: 04/07/2020

Subject: Aviation Promotion Grant

From: Marc Adelman, Director of Transportation Services

COUNCIL ACTION

First Reading: 04/07/2020

Final Adoption: 04/21/2020

SUMMARY

The Virginia Department of Aviation has approved an Aviation Promotion grant to support an Airport Open House and Young Eagles Rally that will be held at the Danville Regional Airport on August 29, 2020. Last year, this event was scheduled in June and a total of 128 children completed a free plane ride.

Young Eagle rallies are completed nationwide by local aircraft chapters, and offer children ages 8 to 17 the opportunity to complete a free flight. The rallies also create a venue for students to speak with pilots to learn about aviation. This special event will include tours of the Civil Air Patrol, Averett University Flight Center and the Operations Advisory Tower, and the Danville Science Center will provide an exhibit that will be on display.

BACKGROUND

The Danville Regional Airport plans to hold an Airport Open House and a Free Fly Day for children this summer. Last year the airport obtained support from an aircraft chapter located in Apex, North Carolina as well as local pilots to complete free flights for children. The North Carolina chapter expressed interest to hold the rally again in Danville this year. In addition, as part of this event, airport tours would be completed by airport staff, Civil Air Patrol and Averett University to facilitate aviation awareness. The Airport Open House and Free Fly Day is scheduled for Saturday, August 29, 2020, from 9 am until 2 pm. Free food and refreshments would be provided to the public. On-line registration to complete a free plane ride would begin in early June for the August event. If the event is postponed due to weather conditions, then volunteers will be surveyed to reschedule the Free Fly Day for a subsequent date.

RECOMMENDATION

It is recommended that City Council approve the attached Ordinance to appropriate state Aviation Promotion grant funds to hold an Airport Open House and Free Fly Day for children.

Attachments

Ordinance

PRESENTED: _____

ADOPTED: _____

ORDINANCE NO. 2020-____.____

AN ORDINANCE AMENDING THE FISCAL YEAR 2020 BUDGET APPROPRIATION ORDINANCE TO PROVIDE FOR A STATE DEPARTMENT OF AVIATION GRANT FOR THE PURPOSE OF PROVIDING FUNDING TO PROMOTE AVIATION AWARENESS AT THE DANVILLE REGIONAL AIRPORT IN THE AMOUNT OF \$7,500 AND FOR THE LOCAL SHARE IN THE AMOUNT OF \$7,500 TO BE PROVIDED BY THE GENERAL FUND SUPPORT OF GRANTS FOR A TOTAL APPROPRIATION OF \$15,000 AND APPROPRIATING SAME.

NOW THEREFORE, BE IT ORDAINED, by the Council of the City of Danville, Virginia, that the Fiscal Year 2020 Budget Appropriation Ordinance be, and it is hereby, amended by increasing revenues for a grant from the Commonwealth of Virginia, Department of Aviation, in an amount of \$7,500 for promotion activities at the Danville Regional Airport, and the local share for said grant in an amount of \$7,500 to be provided by the General Fund Support of Grants for an aggregate amount of \$15,000, such funds to be appropriated as follows:

ANTICIPATED REVENUES

<u>Description</u>	<u>Account No.</u>	<u>Amount</u>
FY 20 Airport Promotion		
Categorical Aid –State:	61558000-45712	\$ 7,500
Local Share:		
General Fund Support of grants	61558000-6101	<u>\$ 7,500</u>
	TOTAL	b <u>\$15,000</u>

ANTICIPATED EXPENDITURES

<u>Description</u>	<u>Account No.</u>	<u>Amount</u>
FY 20 Airport Promotion	61558999-50	<u>\$15,000</u>

AND BE IT FURTHER ORDAINED that all other accounts and provisions of the Fiscal Year 2020 Budget Appropriation Ordinance, as amended, not hereby amended, shall continue in full force and effect unless and until hereafter further amended or repealed.

APPROVED:

MAYOR

ATTEST:

CLERK

Approved as to
Form and Legal Sufficiency:

City Attorney

Council Letter

City of Danville, Virginia



CL-2294

New Business D.

City Council Regular Meeting

Meeting Date: 04/07/2020

Subject: Airport Capital Grant

From: Marc Adelman, Director of Transportation Services

COUNCIL ACTION

First Reading: 04/07/2020

Final Adoption: 04/21/2020

SUMMARY

The Virginia Department of Aviation administers an Airport Capital Grant Program that provides funding for various capital projects including terminal building improvements. The Virginia Department of Aviation and the Virginia Aviation Board have approved state funding to complete heating and air conditioning upgrades for the Danville Regional Airport terminal building. The state has identified that eighty percent of the total project cost will be funded with state capital aid.

BACKGROUND

Over the past two years, the Danville Regional Airport has completed heating and air conditioning improvements for offices and conference rooms located on the north and south side of the terminal building. Mini-split systems were installed in these areas that are energy efficient and provide for more flexibility with controlling interior temperatures compared to the original system that heated and cooled the space using interior wall units that were linked to a two-pipe boiler and chiller system.

The final phase to complete heating and air conditioning upgrades for the terminal would impact the lobby area and hallway. Presently, this area of the terminal is linked to a two-pipe boiler and chiller system and only heat or air can be provided relative to the water temperature. Therefore, during different months of the year when both heat and air may be needed during the same day, the system's ability to cool the common area can be delayed several hours after the heat is activated before the water temperature cools sufficiently.

The proposed capital grant request involves the installation of an air handler to support a four-pipe heating air conditioning system for the common area of the terminal that will be linked to the existing boiler and chiller. In addition, the project would include the installation of a new chill and hot water piping system. These improvements will allow for heat or air to be provided to the common area of the terminal without delay. The total cost for the project is \$188,000 and the local share requirement is \$37,600.

RECOMMENDATION

It is recommended that City Council approve an Ordinance Amending the Fiscal Year 2020 Budget Appropriation Ordinance to provide for State Aviation capital grant funding, and the local share, and appropriating the same. The local share will be provided through the Support of Special Grants Fund.

Attachments

Ordinance

PRESENTED: _____

ADOPTED: _____

ORDINANCE NO. 2020-____.____

AN ORDINANCE AMENDING THE FISCAL YEAR 2020 BUDGET APPROPRIATION ORDINANCE TO PROVIDE FOR ADDITIONAL STATE AVIATION FUNDING FOR THE PURPOSE OF COMPLETING TERMINAL BUILDING IMPROVEMENTS TO UPDATE THE HEATING AND AIR CONDITIONING SYSTEM IN THE AMOUNT OF \$150,400 PLUS LOCAL SHARE IN THE AMOUNT OF \$37,600 TO BE PROVIDED BY A TRANSFER FROM THE GENERAL FUND SUPPORT OF SPECIAL GRANTS AND APPROPRIATING SAME.

WHEREAS, the heating and air conditioning system for the terminal building needs to be upgraded; and

WHEREAS, the Virginia Department of Aviation recommended providing funding to install a new air handler and complete heating and air conditioning improvements; and

WHEREAS, the planned heating and air conditioning improvements will be funded at eighty percent with state capital aid.

NOW THEREFORE, BE IT ORDAINED, by the Council of the City of Danville, Virginia, that the Fiscal Year 2020 Budget Appropriation Ordinance be, and it is hereby, amended by increasing revenues for grants from the Virginia Department of Aviation in the amount of \$150,400 such funds to be appropriated as follows:

ANTICIPATED REVENUES

<u>Description</u>	<u>Account No.</u>	<u>Amount</u>
FY 20 Terminal Bldg Heating and Air Conditioning Improvements State Aviation Funds:	61560000-45712	\$150,400
Local Share: General Fund Support of Grants	61560000-6101	<u>\$ 37,600</u>
	TOTAL	<u><u>\$188,000</u></u>

ANTICIPATED EXPENDITURES

<u>Description</u>	<u>Account No.</u>	<u>Amount</u>
FY 20 Terminal Bldg Heating and Air Conditioning Improvements	61560999-50	<u>\$188,000</u>

AND BE IT FURTHER ORDAINED that all other accounts and provisions of the Fiscal Year 2020 Budget Appropriation Ordinance, as amended, not hereby amended, shall continue in full force and effect unless and until hereafter further amended or repealed.

APPROVED:

MAYOR

ATTEST:

CLERK

Approved as to
Form and Legal Sufficiency:

City Attorney

Council Letter

City of Danville, Virginia



CL-2308

New Business E.

City Council Regular Meeting

Meeting Date: 04/07/2020

Subject: Support for Minor League Baseball

From: Ken F. Larking, City Manager

COUNCIL ACTION

Business Meeting: 04/07/2020

SUMMARY

As part of a renegotiated Professional Baseball Agreement, Major League Baseball has proposed severing ties with 42 minor league teams, most of which are at the Rookie and Class A Short Season levels, including the Bluefield Blue Jays, Bristol Pirates, and Danville Braves in Virginia. The proposed changes would have severe consequences for the Pioneer League, the Appalachian League, and the New York-Penn League, among others, and essentially consolidate the affiliated minor leagues into only four levels. The elimination of Minor League Baseball teams such as the Danville Braves will not only have a negative economic impact, but will also impact the community pride that comes from having a team.

BACKGROUND

Over 40 million fans have attended Minor League Baseball games each season and many thousands have enjoyed the Danville Braves. For many in our region, the Danville Braves may be the only professional baseball they will ever see. In addition to providing wholesome, affordable entertainment in markets where attending major league games may not be possible, minor league teams employ thousands of individuals, help strengthen local businesses through valuable partnerships, and support charitable organizations. The Danville Braves have hosted a number of events for local charities including the United Way, the Boys and Girls Club, and the Pittsylvania Pet Center, and helped recognize the hard work of first responders and educators serving our community.

RECOMMENDATION

Staff recommends Council adopt the attached Resolution supporting the Preservation of Minor League Baseball in the City of Danville, Virginia.

Attachments

Resolution

PRESENTED: _____

ADOPTED: _____

RESOLUTION NO. 2020-____.____

A RESOLUTION APPROVING AND AUTHORIZING THE SUPPORT OF
MINOR LEAGUE BASEBALL IN THE CITY OF DANVILLE, VIRGINIA.

WHEREAS, 40 million plus fans have attended Minor League Baseball
games each season for 15 consecutive years; and

WHEREAS, many thousands have attended and enjoyed Danville Braves
Minor League Baseball games; and

WHEREAS, Minor League Baseball provides wholesome affordable
entertainment in 160 communities throughout the country including Danville, Virginia; and

WHEREAS, the economic stimulus and development provided by Minor
League Baseball clubs extends beyond the cities and towns where it is played, to wide and
diverse geographic areas comprising 80% of the population in the nation; and

WHEREAS, Minor League Baseball is committed to promoting diversity and
inclusion through its Copa de la Diversion, MiLB Pride, FIELD Program, and Women in
Baseball Leadership initiative; and

WHEREAS, Minor League Baseball is the first touchpoint of the national
pastime for millions of youth and the only touchpoint for those located in communities far
from Major League cities; and

WHEREAS, abandonment of 42 Minor League Baseball clubs by Major
League Baseball would devastate communities, bond purchasers, and other stakeholders
that rely on the economic stimulus these clubs provide; and

WHEREAS, Minor League Baseball clubs, like the Danville Braves, enrich
the lives of millions of Americans each year through special economic, social, cultural, and
charitable contributions; and

WHEREAS, preservation of Minor League Baseball in 160 communities is in the public interest, as it will continue to provide affordable, family-friendly entertainment to those communities.

NOW THEREFORE, BE IT RESOLVED, by the Council of the City of Danville that it hereby:

1. Supports the preservation of Minor League Baseball in the City of Danville, Virginia and the other 160 American communities; and
2. Recognizes the unique social, economic, and historic contributions that the Minor League Baseball has made to American life and culture and the many contributions it has made to Danville and the Dan River Region; and
3. Encourages continuation of the 117-year foundation of the Minor Leagues in 160 communities through continued affiliations with Major League Baseball.

APPROVED:

MAYOR

ATTEST:

CLERK

Approved as to
Form and Legal Sufficiency:

City Attorney