



DANVILLE CITY COUNCIL REGULAR MEETING AGENDA

MUNICIPAL BUILDING

February 18, 2020

7:00 P.M.

PRESIDING: Alonzo L. Jones, Mayor

**CITY COUNCIL
MEMBERS:** James B. Buckner
L.G. "Larry" Campbell, Jr.
Dr. Gary P. Miller
Sherman M. Saunders

Fred O. Shanks, III
Adam J. Tomer
J. Lee Vogler, Jr., Vice Mayor
Madison J. Whittle

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

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

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

Time and Place of Meeting

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

Communications from Visitors

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

Guidelines for Public Hearings

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

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

MEETING CALLED TO ORDER

ROLL CALL

INVOCATION - L.G. "Larry" Campbell, Jr.

PLEDGE OF ALLEGIANCE TO THE FLAG

COMMUNICATIONS FROM VISITORS

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

CONSENT AGENDA

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

- A. Public Hearing
- B. Consideration of Approval of Minutes from Regular Council Meeting held on January 21, 2020, and Minutes from Special Work Session held on January 21, 2020.
Council Letter Number CL - 2280.
- C. Consideration of Amending the Fiscal Year 2020 Budget Appropriation Ordinance for VDOT Funds for Two Trail Extension Projects.
Council Letter Number CL - 2266.

An Ordinance 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.

FINAL ADOPTION

NEW BUSINESS

- A. Review of General Fund Financials through January 31, 2020.
Council Letter Number CL - 2269.
- B. Consideration of Authorizing the City Manager to Execute the Agency Designation Agreement with American Municipal Power.
Council Letter Number CL - 2263.

A Resolution 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.

- C. Consideration of Approval of the City of Danville's Comprehensive Economic Development Strategy Project List.
Council Letter Number CL - 2286.

A Resolution 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.

- D. 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.
Council Letter Number CL - 2275.

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.

FIRST READING

COMMUNICATIONS FROM:

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

ADJOURNMENT

Council Letter

City of Danville, Virginia



CL-2280

Consent Agenda B.

City Council Regular Meeting

Meeting Date: 02/18/2020

Subject: Consideration of Approval of Meeting Minutes

From: Susan M. DeMasi, City Clerk

COUNCIL ACTION

Business Meeting: 02/18/2020

SUMMARY

Consideration of Approval of Minutes from Regular Council Meeting held on January 21, 2020, and Minutes from Special Work Session held on January 21, 2020.

Council Letter Number CL - 2280.

Attachments

Meeting Minutes

Meeting Minutes

January 21, 2020

The Second Regular January meeting of the Danville City Council was held on January 21, 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).

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 Fred O. Shanks, III; the Invocation was followed by the Pledge of Allegiance to the Flag.

ANNOUNCEMENTS AND SPECIAL RECOGNITIONS

Mayor Jones recognized members of the Harry Johnson Holiday Classic Committee: Reid Taylor, Mildred Richardson, Barry Mayo, Jerry Hairston, and Shelby Irving. Mr. Taylor thanked Mayor Jones for bringing this tournament back, it was a great success, and thanked City Council for their support, the City Manager and staff, and Chief Booth, Major Jones and officers of the Danville Police Department. Mr. Taylor also thanked Director of Finance Michael Adkins and Joy Jones, Dr. Stan Jones and Dr. Osborne from Danville Public Schools, and all the people that took out ads in the program. Council Members thanked Mr. Taylor and his committee for the work they did bringing this tournament back.

COMMUNICATIONS FROM VISITORS

Mayor Jones recognized Larry Pleasant, 630 Mount Cross Road, who questioned which Council Members had been out to view the property. Mayor Jones noted he went to the property and has had a meeting with the City Manager. Mr. Pleasant stated they wanted help from the City; there was a safety and drainage issue and it has devalued the land. Mayor Jones stated Council would discuss this in work session.

Mayor Jones recognized the following citizens who spoke in favor of Council adopting a Resolution designating Danville as a Second Amendment Sanctuary City or a Constitutional City, and discussed the rally in Richmond: Gordon Lyles, Danville; Frank Chambers, Blairs, VA; Fran Morris, Pittsylvania County; Joshua Jennings, Cascade, VA; Merle Rutledge, Virginia Beach, VA; Judy Lyles, Danville; Julie King, Pittsylvania County; William Cole, Pittsylvania County; Thomas Hall, Danville. Mayor Jones thanked all the citizens for attending this evening; they have been polite, open and articulate. Council Member Whittle questioned if there were any citizens against Sanctuary Cities and no one acknowledged they were against Sanctuary Cities.

Council Member Tomer **moved** to add an Item to the Agenda as New Business Item B. 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

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MEETING MINUTES

Upon **Motion** by Council Member Campbell, and **second** by Council Member Whittle, Minutes from the Regular Council Meeting held on December 17, 2019, were approved as presented. Draft copies of the minutes had been distributed prior to the meeting.

NEW BUSINESS

CITY CODE - AMENDING CHAPTER 10.5 OF THE DANVILLE CITY CODE REGARDING ESTABLISHMENT OF A C-PACE FINANCING PROGRAM

Mayor Jones opened the floor for a Public Hearing regarding Establishment of a C-PACE Program. Notice of the Public Hearing was published in the *Danville Register & Bee* on January 7, 2020 and January 14, 2020. Mayor Jones recognized Cliff Harrison, Powhatan, Virginia who noted this item was important to people who develop properties, and he appreciated City Council considering this item. 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. 2020-01.04

AN ORDINANCE AMENDING THE CODE OF THE CITY OF DANVILLE, VIRGINIA, 1986, AS AMENDED, BY ADDING A NEW CHAPTER 10.5 ENTITLED "COMMERCIAL PROPERTY ASSESSED CLEAN ENERGY (C-PACE) FINANCING PROGRAM" FOR THE ESTABLISHMENT OF A COMMERCIAL PROPERTY ASSESSED CLEAN ENERGY (C-PACE) FINANCING 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

RESOLUTION STATING THE MAJORITY OF THE CITY COUNCIL OF DANVILLE, VIRGINIA, SUPPORT THE U.S. CONSTITUTION

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

RESOLUTION NO. 2020-01.05

A RESOLUTION STATING WE THE MAJORITY OF THE CITY COUNCIL OF DANVILLE, VIRGINIA SUPPORT THE UNITED STATES CONSTITUTION.

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

Council Member Shanks noted prior to 5:30 this evening, he did not know there was a motion being considered by seven members of City Council. He found that unfortunate as he had previously proposed resolutions to Council members. Regardless of that, he reminded Council this was a particular issue that citizens have asked Council to address, and feels it was unfortunate that Council cannot address the issue at hand.

Council Member Shanks offered a **Substitute Motion**, and Mr. Whittle **seconded** the Motion. Mr. Shanks noted the language for the Substitute Motion, that he provided copies of at the last meeting, was very non-political. Mr. Shanks read the language into the record and stated what the citizens at Council are arguing about means something to them.

Mr. Shanks asked that City Council adopt a **Resolution** that reads as follows:

WHEREAS, the Second Amendment of the United States Constitution guarantees that the “right of the people to keep and bear arms shall not be infringed;”

WHEREAS, the Virginia Bill of Rights, which is the part of the Constitution of Virginia, also protects the “right of the people to keep and bear arms;”

WHEREAS, the United States Supreme Court, in District of Columbia v. Heller, affirmed an individual’s right to own and possess firearms for self-defense within the home or for other lawful purposes;

WHEREAS, the United States Supreme Court, in McDonald v. Chicago, affirmed that the Second Amendment of the United States Constitution applies to the states through the Due Process Clause of the Fourteenth Amendment of the United States Constitution;

WHEREAS, the City Council strongly believes that the right of citizens to keep and bear arms is a fundamental right that should be protected to the greatest degree possible;

WHEREAS, the members of the City Council have taken an oath to defend and uphold the Constitution of the United States and the Constitution of the Commonwealth of Virginia;

WHEREAS, the City Council is concerned that certain pre-filed legislation for the 2020 session of the General Assembly may threaten the rights of law-abiding citizens to keep and bear arms guaranteed by the constitutions of the Commonwealth of Virginia and of the United States;

WHEREAS, the City Council expresses opposition to any law that would unconstitutionally restrict the rights of law-abiding citizens of the City to keep and bear arms;

WHEREAS, the City Council desires to act in the best interests of the residents of the City, and accordingly, the Council hereby expresses its sentiments with regard to this important and fundamental right;

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

- 1. The City Council hereby expresses its continued commitment to support all provisions of the Constitution of the United States and the Constitution of the Commonwealth of Virginia, including the right of the people to keep and bear arms;*
- 2. The City Council hereby expresses its strong support for the rights of law-abiding citizens to keep and bear arms and urges the members of the General Assembly and the Governor to take no action which would violate the freedoms guaranteed by either the Virginia Bill of Rights or the federal Bill of Rights;*
- 3. The City Council hereby declares the City of Danville a “Constitutional City;”*

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4. *The City Council hereby supports the actions of other elected bodies making similar declarations on behalf of Virginia counties, cities and towns; and*
5. *The City Council hereby directs the City Manager to forward a copy of this resolution to the City's General Assembly delegation and to the Governor of Virginia.*

Mr. Shanks noted he does not see any harm in any of that language.

Mr. Whitfield noted Council would take the substitution motion first and whatever happens with the substitution will then decide what the next action was.

Mr. Buckner questioned Mr. Shanks' Resolution, was it to have the City of Danville seen as a Constitutional City; Mr. Shanks stated, affirmed as a Constitutional City. In response to Mr. Buckner, Council Member Tomer noted his Motion states *the City Council for the City of Danville supports the United States Constitution.*

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

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

Mayor Jones noted Council would vote on the **Motion** by Council Member Tomer; the **Motion** passed by the following vote:

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

COMMUNICATIONS

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

ROLL CALL

Council Member Shanks noted he was in Richmond for Lobby Day, was part of the over 22,000 people that were there supporting the Second Amendment. Mr. Shanks stated he was very proud to be a part of that group that was so dedicated and purposeful, well behaved and articulate. It was America at its best.

Vice Mayor Vogler noted Council has had speakers come for several weeks, and Council continued to listen and work through this issue. Council supports the Constitution and the Bill of Rights, including the Second Amendment. Mr. Vogler thanked all the citizens who came to speak over the last several weeks; they stated their case clearly and did a tremendous job. Mr. Vogler noted he was in Richmond last Thursday to accept an award on behalf of the City. Danville was recognized as a 2020 Local Government Clean Energy Champion from the Conservatives for Clean Energy and Nature Conservancy, for a number of efforts including the propane fuel transition on City vehicles, as well as the Solar Farm projects.

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Council Member Whittle stated to the citizens, he felt they were buffaloed; Council Member Shanks and himself didn't know about this until thirty minutes ago, that this was how the issue was going to go. Mr. Whittle noted everybody believes in the Constitution of the United States, that would have been a yes vote all around. The truth was in Council Member Shanks' amendment, and the citizens got nothing.

Council Member Buckner noted Council wanted to send their thoughts and prayers to the Eanes family; Officer Eanes was injured yesterday in an accident. Council wished him a speedy recovery and to be back on his feet soon. Mr. Buckner reminded everyone, with the temperatures dropping, to check on their neighbors, especially the elderly.

Council Member Campbell stated this was America and was very thankful for all of the citizens who came during the past few weeks expressing themselves. Mr. Campbell noted he believes citizens have the right to bear arms.

Council Member Miller noted he has not seen anything that has passed or will be passed that will infringe on anyone's Constitutional rights; if they are unconstitutional, they will be struck down by the Supreme Court. As far as taking away guns, he thought what the citizens did in Richmond would ensure the legislators will not do anything too radical. Dr. Miller noted the March Against Violence was Sunday night and on Monday, at the breakfast, Jacqueline Gill, the President of DCC gave a powerful message.

Council Member Saunders thanked the Mayor for the way he handles the meetings and public hearings, and for all that he does. Mr. Saunders thanked all the City Employees for what they do everyday. Mr. Saunders noted the Council Members all took the oath to support the Constitution, they simply reaffirmed it tonight and he appreciates that. Mr. Saunders noted a special thanks to Coach Harry Johnson for all that he has done with the young people in the City.

Mayor Jones thanked all the citizens that appeared. Many negative things have been said on social media about good people; the citizens that have been appearing at Council have been kind and considerate, and Mayor Jones thanked them. Mayor Jones thanked Council; people may not understand the tough decisions that Council has to make. As Council Member Campbell had stated, whatever Council did, they not want to become divided; a City divided cannot stand. Everyone was in it together and citizens heard from Council, they support the Constitution. Mayor Jones noted he was proud to be working with all of Council and staff; Council wants to do the right thing. Mayor Jones recognized the basketball committee for the all the work they did on the tournament.

The meeting adjourned at: 8:10 p.m.

APPROVED:

MAYOR

ATTEST:

CITY CLERK

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A Special Work Session of the Danville City Council convened on January 21, 2020 at 5:30 p.m. in the Conference Room located on the Fourth Floor of the Municipal Building. Council Members present were: James B. Buckner, L.G. "Larry" Campbell Jr., 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. Shanks entered the meeting at 5:35 p.m.; Mr. Whittle entered the meeting at 5:58 p.m.*

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

Mayor Jones presided.

City Manager Ken Larking explained about a year and a half ago, Council had a report from the National Resource Network indicating there were some opportunities for the City to close its long-term fiscal gap. One of those related to consolidation of the Adult Detention Center under the supervision of the Sheriff. The cost savings would come by having employees under the ADC become employees of the Sheriff, who would be eligible for compensation through the State; that would reduce the City's cost. There was a recommendation to study it further to see if that could happen, what steps would have to happen and potential impacts to service delivery. This study looks at opportunities for cost savings and providing some efficiencies to the way the City does things, looking at opportunities to save money where they can in a proactive way. As the City was not in a crisis mode, they do not have to make draconian decisions such as laying off employees, changing the status of employees or things like that. Also, no decision has been made; this will ultimately be a Council decision. After reviewing the report tonight, a written report will be provided so Council can take the time to study that and make a decision later about moving forward. There are several opportunities that can be enacted immediately that do not ultimately result in the ADC coming under the Sheriff's department.

Deputy Chief Dean Hairston introduced the consultants from Practical Solutions for Public Safety, Karen Albert, and her associate Shawn Kelley. Ms. Albert reviewed her PowerPoint presentation, *Study to Consider Consolidation of the Adult Detention Center and the City Jail Under the Sheriff's Office* (a copy of which has been retained in Laserfiche, in the City Clerk's folder, *Presentations to Council*.)

Ms. Albert noted they would be looking at four areas: what was the criminal justice system impact, the financial impact of moving the ADC to the Sheriff's office, the human impact, dealing with people, and the process impact. They will discuss twenty-one opportunities. They interviewed people within the City and Community Services Board, Council Members, Criminal Justice Partners and Criminal Justice Stakeholders. Numerous documents were reviewed and they toured a number of the facilities. Ms. Albert noted one of the things they looked at was how well was the current system operating. Was the City as efficient in their criminal justice system as they could be, and could efficiencies be found. How was the City using its existing programs and services, are they be fully utilized, were there some gaps in those services and programs. Was there a population of people, that if they address some of their issues, could the City find ways other than incarceration, to address those issues. Another piece was court case processing, how quickly was the City able to get people through the process. Are there delays or extensions built into the process or do the court support systems need to be looked at to see if they are adequately in place.

Other considerations were what treatment services were in the community. If it was a treatment need, the sooner that was addressed, the more effective it would be, and also recognizing that

97-98% of those who come into the local jail systems are going to return to the communities at some point. That was an opportunity to deal with them while the City could, and address some of the issues that might be drivers for them to commit crimes in the future. The City needs to make sure they have effective re-entry planning in place. Even for some of the population within the jail, they may be able to get out but if they don't have a drivers license or identification, that could become an issue. Some of those small things could make a difference. Ms. Albert noted with the current Community Corrections and Pre-Trial Services Program, the City has only one representative, the rest of the program was outside the City which makes it difficult for the population to access some of the services. These are very successful programs and are supported through State funding. If the City was able to expand the programs, there was a good success rate with the current Community Corrections Probation Program for the misdemeanor offenders.

Ms. Albert noted they thought there was a real opportunity to develop a Criminal Justice Coordinating Council. This would be a group of criminal justice partners and stakeholders, who meet on a regular basis to identify, from a criminal justice system perspective, how the City wants to move forward, and how can they make sure the programs the City has in place are effective. The Council could be a mechanism that would allow the City the opportunity to streamline some of the operations in a very informed and directed manner. There was some federal and state grant funding to develop these programs. The City will probably want to develop a data collection system that will allow it to look at every stage of the process to identify what was working, what was not, and what was delaying things. The City does have some risks and needs assessments already available and Ms. Albert encouraged Council to use those. Those resources can provide valuable information to identify who might be a good candidate for a day reporting program, electronic monitoring, or treatment. Another opportunity to consider was that a lot of the City's programs are fee based, recognizing that most of the people that are incarcerated tend to be the poor. When there was a program that was fee based, the City will need to take a look at whether or not that program was a barrier to people being able to access alternatives to incarceration.

Ms. Albert noted under the Financial Impact, the primary question they were asked, was there a potential savings and Ms. Albert noted, yes, there was absolutely potential savings. There were some staffing efficiencies by consolidating the ADC and the Jail. The big dollar amount was from the State Compensation Board (SCB) and their reimbursement since these employees would, in the future as a progression occurs, essentially be compensated as state employees. The SCB was funded on an annual basis and there was no guarantee of their funding, but the likelihood of offsetting some of the cost over a period of time was very real; the SCB has already acknowledged that. The other piece of this, the work that the inmates are providing the City was significant; the valuation of that work was estimated to be about \$2.4M. Regardless of what happens, the work programs need to continue based on the financial impact.

In terms of opportunities, the City has invested in two facilities and it doesn't make sense to walk away from either one. The State Compensation Board indicated if the City was to combine both populations into one facility, the City could save even more. At this point, Ms. Albert noted, the population was too high to be able to do that, and the City does have a tremendous investment in their existing facilities. There are some pieces identified in the report that need to be discussed with the SCB. It was likely that they will not compensate those deputy positions, detention officer positions that are out supervising the inmate workers because that was a benefit to the City and not necessarily to the State. Some of those positions might continue to be funded by the City, but those supervising populations who are actually in the ADC, there was a significant chance of those positions being reimbursed.

In discussing the Human Impact, Council needs to recognize that any two agencies, even if they have a similar mission, may operate differently. Ms. Albert noted they think another opportunity was a classification study that would take a look at whether the City was competitive in the region. Danville has been losing people to other jurisdictions and there was a large investment, whether the ADC or Sheriff's office, on recruiting and training people to get them to work in these facilities. The City should be able to take advantage of that, hopefully through retention, but they will have to be competitive to do that. Ms. Albert noted they also looked at Process Impact. This was a case where Council finds that they can do everything they want to do, but the process itself was onerous and may not be the direction they want to go in the long run. A lot of the opportunities they identified could be implemented regardless if the City goes the full direction to consolidate. There would need to be a Memorandum of Understanding with the Sheriff; she did not think there would be any issue with that. This Sheriff was agreeable, but what happens in the future with the next Sheriff. There are a couple of code sections that will need updating and if the ADC does move under the Sheriff, the ADC currently only has to comply with the mandatory Department of Corrections' Standards, not all of the Standards. The City might want to invite them to take look at the facility to see if there are any standards that would be difficult to comply with; she did not see anything that would prohibit them from agreeing to move forward.

There may be some costs that are short- or long term costs. It was important to identify any potential hidden costs, and to meet with all staff so they understand the case for change and the direction that the Criminal Coordinating Council may pursue. To do this as a transition process, that as people leave through attrition, those positions then would potentially come under the Sheriff. It could be an incremental approach; by doing that, it also allows the SCB to be better prepared from a fiscal perspective. Ms. Albert noted it was feasible, there was a potential for a tremendous amount of cost savings, the argument would be that this cost savings may take place over a period of time rather than just looking to switch. The other part was that the Criminal Justice Coordinating Council was an entity, that if it were pulled together, could take the lead in this implementation and work through the steps.

Mr. Shanks noted right now, the Sheriff's office has sixty employees, that salary was partially compensated by the State; Mr. Larking stated it was almost all compensated except for the supplement which was \$1,000. Mr. Shanks noted the regional jails that exist in the State, do they have any compensation from the same board and Ms. Albert noted they do. If Danville could get their state legislator to pursue a bill to fund these positions right away, that will get the City a lot farther, quicker, than the incremental approach. Ms. Albert noted they have identified that the consolidation was feasible and there are a number of opportunities to consider as a part of the process moving forward.

Dr. Miller noted Ms. Albert indicated it would be hard to get anything legislated through this year, when would this be done. Mr. Larking explained it would have to be the next General Assembly. The consultants are recommending the City take an incremental approach, look at it and see if there are any possibilities. There are certain trigger points that have to be answered, will the SCB actually do this and will there be funding for it. If they are not, then there was no cost savings and there would be no point in going forward. Staff wants to look at making sure there was an MOU with the Sheriff's department that the work program could be taken, and that the state laws change to describe the Sheriff's responsibilities to include work programs. That could be examined through a Criminal Justice Coordinating Council, a group of people who touch the criminal justice system. They could look at the report and recommendations, and lay out a step by step process to getting from where the City was to where they could be. And whether this was a benefit to the community in a couple ways; one in cost savings but also was the City serving the criminal justice system in the best way so that when inmates going through the City's system, come out productive

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members of society less likely to commit future criminal acts. There was a lot to be thought about, it was a complicated subject, but Mr. Larking stated the main crux of what was presented was that it was feasible, but more work was yet to be done.

Mr. Saunders questioned how many employees the Sherriff had and Sheriff Mondul noted eighty; Assistant Chief Hairston noted there were thirty-six in ADC. Mr. Saunders questioned if there were a merger, would that call for different management practices, and Sheriff Mondul noted he believed they had the right personnel in place in both facilities to make it work. Mr. Whittle questioned the downside and Sheriff Mondul stated any merger comes with obstacles known and unknown and he was cognizant of that; however, the City has a very positive leadership team. Mr. Whittle questioned if there was any pushback and Mr. Larking stated there were some natural and understandable concerns by the current employees of the Adult Detention Center. Mr. Larking noted if there was a way to have assurances that the city farm items would continue, if the City took the time to plan that each employee wasn't negatively impacted by the transition, and if the Compensation Board was willing to spend the money, it would seem to him that it would be very feasible to do.

Mr. Shanks stated when this came up a year or two ago and was a concern for him, he assumed with a MOU with the current Sheriff that things could be put in place for future Sheriffs to be obligated to handle that task. Mr. Larking stated it needed further exploration; ideally, it would be if the state law was changed to describe the Sheriff's responsibilities in the City of Danville, it could be made that that was a responsibility. Mr. Shanks stated that was the most important thing, because Sheriff Mondul has accepted this responsibility through a MOU, but if it was not in the State Code, then the City was wasting its time.

Mr. Vogler questioned the City Manager, was the State Legislature the only route, and would it be a bill specifically for the City of Danville to outline the duties of the Sheriff. Mr. Larking noted that was his understanding from the report. The City would ask their local delegation to submit a bill to change the definition of what the Danville City Sheriff's responsibilities were; they would want to get some assurance that it could happen. Mr. Vogler noted if it was in the code, whoever runs for the office, they will know that was a part of the job and the City was protected by it being in the Code. Mr. Vogler stated if Council decided to do this, they should be put in concurrently, the financial side and changing the code to have that be a responsibility of the Sheriff.

Mayor Jones thanked Ms. Albert for their presentation.

MEETING ADJOURNED AT 6:30 P.M.

APPROVED:

MAYOR

ATTEST:

CITY CLERK

Council Letter

City of Danville, Virginia



CL-2266

Consent Agenda C.

City Council Regular Meeting

Meeting Date: 02/18/2020

Subject: Virginia Department of Transportation - Appropriation of Transportation Alternative Program Project Funds

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

COUNCIL ACTION

First Reading: 02/04/2020

Final Adoption: 02/18/2020

SUMMARY

The Virginia Department of Transportation has allocated Transportation Alternative Program funds for projects located in the City of Danville. These allocations represent 80% of the estimated project cost. These allocations need to be appropriated into the Capital Projects Fund account.

BACKGROUND

The following is the list of projects and information related to allocations by the Virginia Department of Transportation for each project and the required local match.

Trail Extension from Future Riverfront Park to Union Street Bridge Road Project - UPC 113710:

- Transportation Alternative Program Project Funds in the amount of \$357,680 (80%).
- The required 20% match amount of \$89,420 will be appropriated in the Fiscal Year 2021 Capital and Special Project plan.

Trail Extension from Robertson Bridge to Riverside Drive - UPC 113711:

- Transportation Alternative Program project funds in the amount of \$164,000 (80%).
- The required 20% match amount of \$41,000 has been previously appropriated in the Fiscal Year 2020 Capital and Special Project plan.

RECOMMENDATION

It is recommended that City Council adopt the accompanying Ordinance appropriating Transportation Alternative Program funds for two city projects.

Attachments

Ordinance

PRESENTED: _____

ADOPTED: _____

ORDINANCE NO. 2020-_____._____

AN ORDINANCE 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.

WHEREAS, the City of Danville requested the Virginia Department of Transportation to allocate Transportation Alternatives Program funds for the construction of a trail extension starting at the future Riverfront Park and ending at Union Street Bridge Road, identified as UPC 113710; and

WHEREAS, the City of Danville requested the Virginia Department of Transportation to allocate Transportation Alternatives Program funds for the construction of a trail extension starting at Robertson Bridge and ending at U.S. Route 58 Riverside Drive, identified as UPC 113711; and

WHEREAS, the City of Danville has received notification from the Virginia Department of Transportation of Transportation Alternative Program allocations in the amount of \$357,680 for UPC 113710 and \$164,000 for UPC 113711; and

WHEREAS, these funds will be appropriated for the construction of trail extensions as previously described; and

WHEREAS, the local share for these projects includes approved funding in the Fiscal Year 2020 CSP (\$41,000 for the Trail Extension from Robertson Bridge to Riverside Drive) and proposed funding in the Fiscal Year 2021 CSP (\$89,420 for the Trail Extension from Future Riverfront Park to Union Street Bridge) will be used to meet the City's obligations for the required locality match.

NOW THEREFORE, BE IT ORDAINED, by the Council of the City of Danville, Virginia, that the Fiscal Year 2020 Budget Appropriation Ordinance be, and is hereby, amended by using anticipated revenues from the Virginia Department of Transportation - Transportation Alternatives Program in the amount of \$521,680 and \$41,000 from Support of Capital Projects in the General Fund and such funds to be appropriated as follows:

ANTICIPATED REVENUES

<u>Description</u>	<u>Account No.</u>	<u>Amount</u>
Trail Extension- UPC 113710 VDOT Transportation Alternative Program Funds	61552000-47455	\$357,680
Trail Extension- UPC 1137111 VDOT Transportation Alternative Program Funds	61553000-47455	164,000
Transfer In From General Fund	61553000-6101	<u>36,000</u>
	TOTAL	<u>\$557,680</u>

ANTICIPATED EXPENDITURES

<u>Description</u>	<u>Account No.</u>	<u>Amount</u>
Riverfront Park to Union Street Bridge Trail Extension- UPC 113710 \$357,680	61553999-50	
Robertson Bridge To Riverside Drive Trail Extension – UPC 113711	61553999-50	<u>200,000</u>
	TOTAL	<u>\$557,680</u>

AND BE IT FURTHER ORDAINED, that a flexible budget is hereby authorized whereby appropriations may be increased to the extent that actual revenues exceed the original revenue budget amount; and

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

BE IT FINALLY ORDAINED, that all other accounts and provisions of the Fiscal Year 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-2269

New Business A.

City Council Regular Meeting

Meeting Date: 02/18/2020

Subject: Financial Report - General Fund through January 31, 2020

From: Michael Adkins, Director of Finance

COUNCIL ACTION

Business Meeting: 02/18/2020

SUMMARY

A brief report will be given on the financial results of the General Fund through January 31, 2020.
Financial statements are included.

Attachments

Financial Statements



To: Ken F. Larking, City Manager

From: Michael L. Adkins, Director of Finance

Date: February 7, 2020

Subject: Summary of Preliminary General Fund Financial Results for January 31, 2020

After completing the first seven months of the new fiscal year, revenues compare favorably to the previous year. As of January 31, General Fund revenues were \$58,309,989. This represents 52.7% of our FY 2020 budget. Last year, at this time, we had collected \$52,301,889 or 52.6% of budget.

With the exception of fines and forfeitures, all revenue categories are comparable to or ahead of the prior year. Current year real estate tax collections were \$9.1 million at January 31, exceeding last year's collections of \$8.7 million by \$400,000. Delinquent real estate tax collections continue to perform well with \$595,000 or 63.1% collected at January 31. Personal property taxes are trailing behind budget with \$6 million received through January 31. This represents 46.1% of budget and is an increase of \$171,000 over last year at this time. The City receives only 48% of the Personal Property Tax Relief Act funds from the Commonwealth during the first half of the fiscal year, with the remaining 52% realized in June annually. This practice keeps our personal property tax collection below 50% until the spring billing.

Local taxes collected through January 31, were \$13,413,867 or 48.4% of budget and ahead of FY 2019 collections by \$283,293. Sales tax collections through December amounted to \$5,071,390 or 55.4% of budget, a decrease of \$192,774 from last year. Holiday sales will show up in the February sales tax payment and should push collections closer to budgeted levels. Meals taxes collected for the first seven months of the fiscal year amounted to \$4,952,142 or 59.1% of budget, an increase of \$82,147 from last year. Business Licenses realized at the end of January were \$1,158,432, a decrease of \$35,115 from the prior year. The majority of Business License revenue will be collected in March. Lodging taxes received as of January 31, were \$939,368 or 62% of budget, an increase of \$256,314 from the prior year, and indicative of the rate increase from 7% to 8%, as well as the new daily occupancy tax. All other revenue categories are tracking well with budget at this point.

Total expenditures at January 31 were \$68,939,825 or 58.56% of budget. This is an increase of \$1.4 million as compared to January 31, 2019, primarily resulting from the timing of budgeted transfers to other funds as well as increases in public safety and general government administration. Departmental expenditures at the end of January show an increase of about \$2.4 million over last year with small decreases in several

departments offset by increases in both general government and public safety due to the timing of expenses including the purchase of police vehicles, medical supplies in the City Jail, and increased support of the Danville Life Saving Crew. Included in the increase in general government expenditures is approximately \$912,000 from the merger of Customer Service (formerly accounted for within Utilities) with Collections. The merged division is a component of the Finance Department and is known as Customer Accounts. Recoveries from the Utility Funds for billing and customer service functions offset this increased cost. Group Health Insurance is still trending well against budget, with actual expenditures at 49% of budget for the first seven months.

General Fund expenditures exceeded revenues by \$10,629,835. This is typical at this point of the fiscal year in the General Fund because the timing of the revenue recognition is not matched to expenditures. Unassigned fund balance at January 31, 2020, was \$21.4 million compared to \$16.9 million at January 31, 2019. If this trend continues for the remainder of FY 2020, the budgeted use of fund balance may not be needed.

CITY OF DANVILLE, VIRGINIA
GENERAL FUND REPORT
58% OF YEAR LAPSED AS OF JANUARY 31, 2020
****PRE-CLOSING FIGURES - SUBJECT TO CHANGE - UNAUDITED****

	Budgets & Appropriations For Current Year	Actual Revenues & Expenditures For Year-to-Date	Percent Realized/Expended This Year	Encumbrances	Balance to be Realized/Expended	Actual Revenues & Expenditures At This Date Last Year
REVENUES:						
Property Taxes	\$ 33,665,230	\$ 16,760,866	49.79%		\$ 16,904,364	\$ 16,285,475
Other Local Taxes	27,712,650	13,413,867	48.40%		14,298,783	13,130,574
License Permits & Privilege Fees	228,970	165,663	72.35%		63,307	119,559
Fines & Forfeitures	344,050	203,058	59.02%		140,992	209,875
Revenue From Use Money & Property	1,296,808	1,042,127	80.36%		254,680	905,002
Charges For Services	3,477,950	2,224,787	63.97%		1,253,163	1,861,982
Miscellaneous Revenue	65,350	85,637	131.04%		(20,287)	67,328
Recovered Cost	8,083,140	4,538,633	56.15%		3,544,508	3,345,390
Non-Categorical Aid	5,776,420	3,137,664	54.32%		2,638,756	3,226,378
Shared Expenses (Categ. Aid State)	5,174,940	2,869,904	55.46%		2,305,036	2,775,606
Categorical Aid (State)	9,406,350	4,911,865	52.22%		4,494,485	4,740,293
Emergency Services (Federal)	-	-			-	1,631
Categorical Aid (Federal)	27,020	-	0.00%		27,020	-
Transfers From Utilities	15,353,000	8,955,917	58.33%		6,397,083	8,682,167
Transfers From Other	-	-			-	-
TOTAL REVENUES	\$ 110,611,878	\$ 58,309,989	52.72%		\$ 52,301,889	\$ 55,351,260
EXPENDITURES:						
General Government Administration	\$ 10,782,238	\$ 6,378,576	59.16%	\$ 157,605	\$ 4,246,057	\$ 5,218,474
Judicial Administration	7,348,979	4,142,811	56.37%	26,816	3,179,351	3,989,158
Public Safety	31,869,632	17,915,490	56.21%	561,631	13,392,511	16,951,888
Public Works	4,675,191	2,495,536	53.38%	154,402	2,025,254	2,277,441
Health, Education, Welfare & Soc. Svc.	9,365,553	4,041,523	43.15%	69,779	5,254,251	4,161,590
Parks, Recreation & Cultural	5,319,291	2,647,983	49.78%	50,928	2,620,380	2,532,357
Community Development	2,339,388	1,451,104	62.03%	193,752	694,532	1,437,206
Non-Departmental	11,112,760	6,627,221	59.64%	6,099	4,479,440	6,136,254
Transfer to Schools - Operating	28,464,866	18,592,461	65.32%	1,711,172	8,161,233	20,558,358
Transfer to Capital Projects	2,674,930	2,638,930	98.65%	-	36,000	3,010,057
Transfer to Other Funds	3,780,332	2,008,190	53.12%	-	1,772,142	1,306,630
TOTAL EXPENDITURES	\$ 117,733,159	\$ 68,939,825	58.56%	\$ 2,932,184	\$ 45,861,151	\$ 67,579,413
Revenue over(under) Expenditures	<u>\$ (10,629,835)</u>					<u>\$ (12,228,153)</u>
FUND BALANCE:						
Beginning Fund Balance 07/01/2019		\$ 39,927,182				\$ 39,518,570
Revenue over(under) Expenditures		(10,629,835)				(12,228,153)
Ending Fund Balance 01/31/2020		<u>\$ 29,297,346</u>				<u>\$ 27,290,417</u>
Composition of Fund Balance:						
Reserved for Encumbrances/Designated Funds		\$ 7,855,155				\$ 10,423,745
Unassigned		21,442,192				16,866,672
TOTAL FUND BALANCE 01/31/2020		<u>\$ 29,297,346</u>				<u>\$ 27,290,417</u>

City of Danville, Virginia
Summary of Other Local Tax Revenues - PRE-CLOSING - UNAUDITED
For the period ending January 31, 2020

Description	Current Budget	Revenue Realized	Percentage Realized	Prior Year Budget	Prior Year Realized	Percentage Prior Year
Sales Tax	\$ 9,150,000	\$ 5,071,390	55.43%	\$ 8,850,000	\$ 5,264,164	59.48%
Business Licenses	5,200,000	1,158,432	22.28%	5,200,000	1,193,547	22.95%
Meals Tax	8,400,000	4,952,142	58.95%	8,240,000	4,869,995	59.10%
Utility Taxes	975,000	548,979	56.31%	963,000	542,770	56.36%
Vehicle License Fees	990,000	244,143	24.66%	1,000,000	251,297	25.13%
Bank Stock Tax	900,000	37,860	4.21%	800,000	-	0.00%
Recordation Tax	195,000	200,450	102.79%	200,000	95,231	47.62%
Hotel Motel Tax	1,514,250	939,368	62.04%	960,000	683,054	71.15%
Daily Property Rental Tax	18,400	42,918	233.25%	18,000	11,122	61.79%
Motor Vehicle Tax	150,000	97,275	64.85%	150,000	108,235	72.16%
DMV Fees	220,000	120,911	54.96%	220,000	111,160	50.53%
TOTAL	\$ 27,712,650	\$ 13,413,867	48.40%	\$ 26,601,000	\$ 13,130,574	49.36%

**CITY OF DANVILLE, VIRGINIA
GENERAL FUND
COMPOSITION OF FUND BALANCE
PRELIMINARY - AS OF JANUARY 31, 2020**

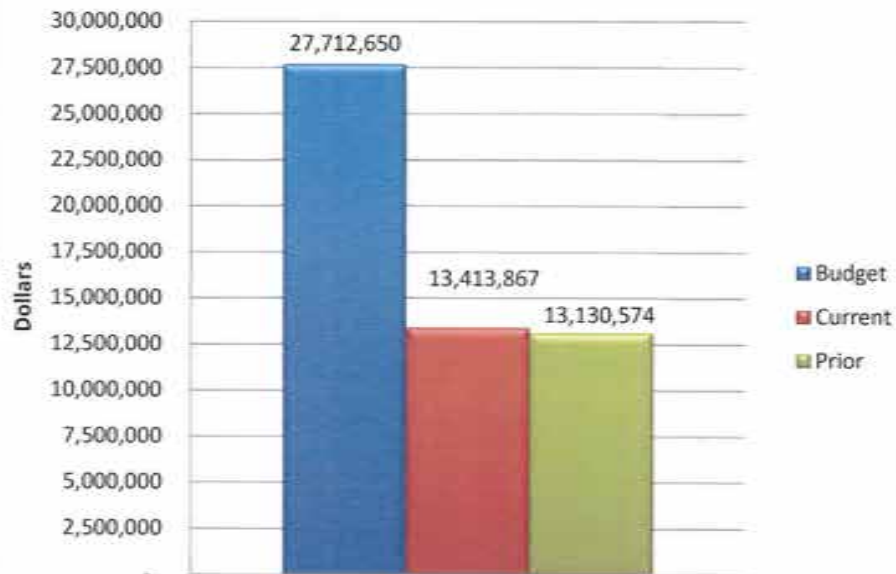
Beginning Total Fund Balance, July 1, 2019	39,927,181.84
Add: General Fund Revenues	58,309,989.08
Deduct: General Fund Expenditures	<u>(68,939,824.50)</u>
Ending Total Fund Balance, January 31, 2020	<u><u>29,297,346.42</u></u>

Composition of Fund Balance:

Restricted for Commonwealth Attorney	103,588.56
Restricted for Police Department	16,903.21
Restricted for Fire Department	83,668.68
Committed for Sheriff's Department	2,966.49
Committed to Schools	1,500,000.00
Committed to Budget Stabilization	3,000,000.00
Committed transfer of Fund Balance FY2020	-
Assigned to Sheriff's Department	27,198.85
Assigned for Encumbrances	2,932,184.05
Nonspendable (Inventory and Prepaids)	188,644.92
UNASSIGNED	<u>21,442,191.66</u>
Total Fund Balance, January 31, 2020	<u><u>29,297,346.42</u></u>

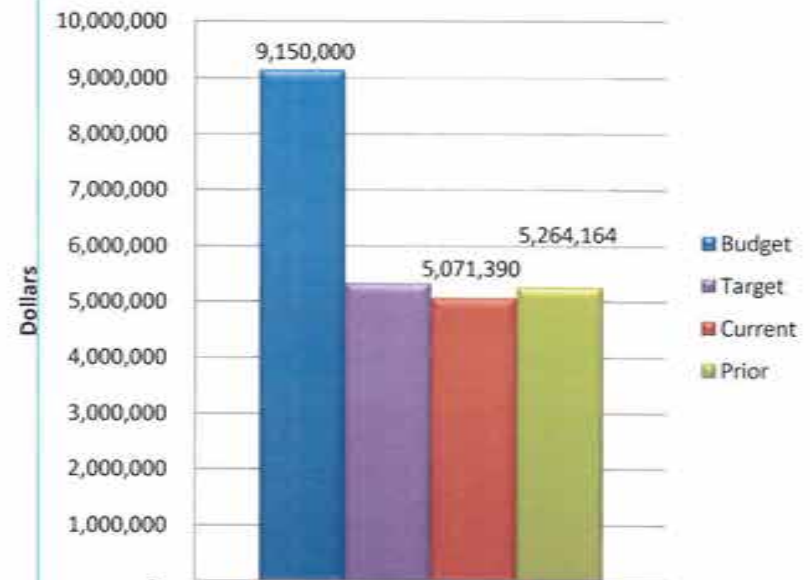
Unassigned fund balance from above	21,442,191.66
Unassigned Minimum per policy (20% of General Fund Operating Revenues) based on FY 2020 budget	<u>22,122,375.63</u>
Current surplus (deficit) over (under) minimum	(680,183.97)

Local Taxes



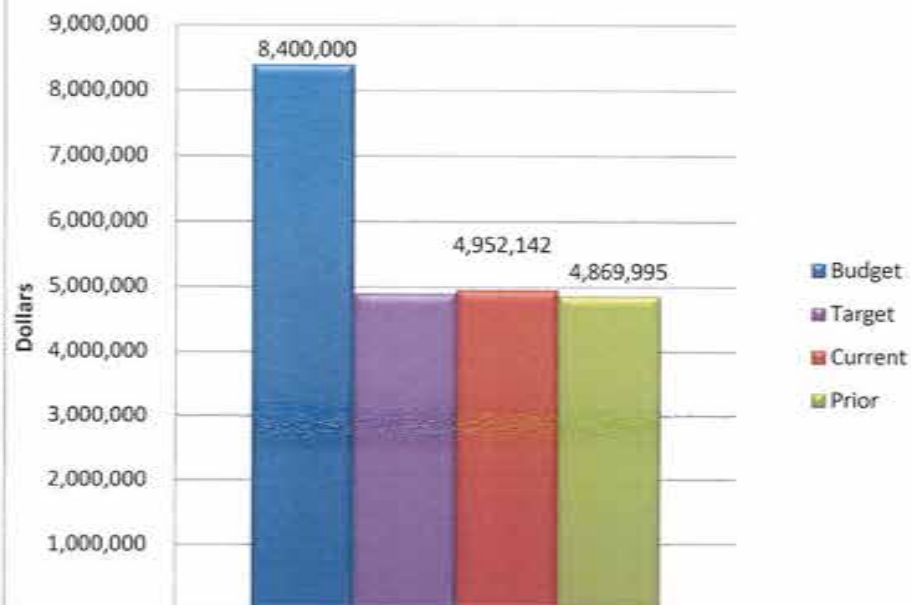
As of January 31, 2020

Sales Tax



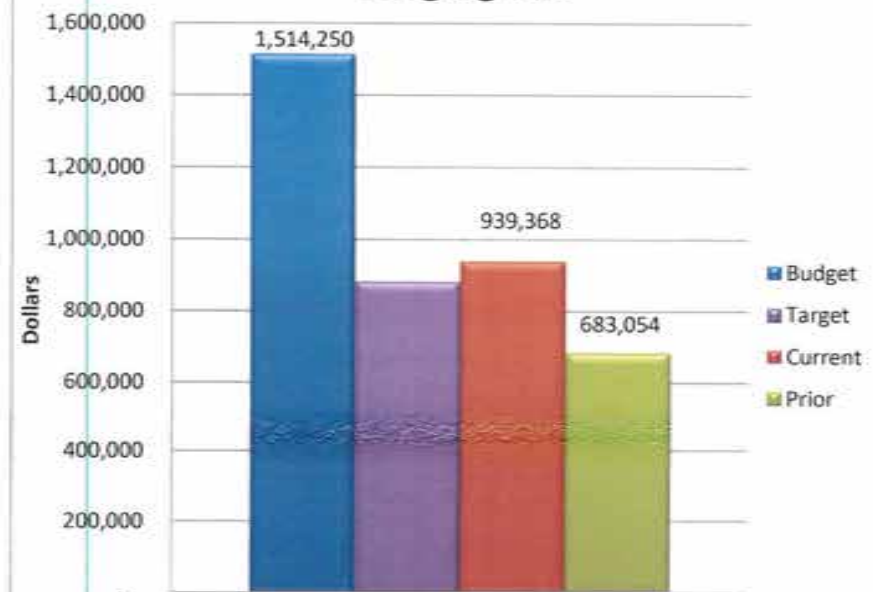
As of January 31, 2020

Meals Tax



As of January 31, 2020

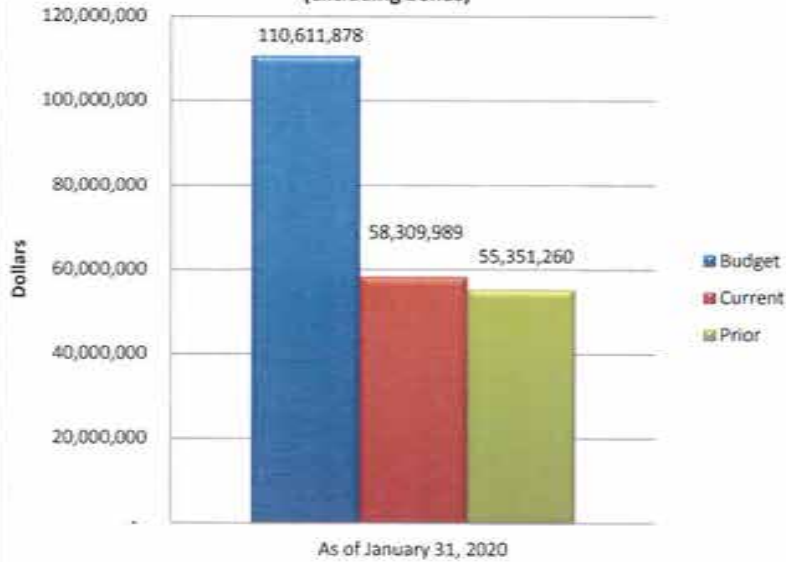
Lodging Tax



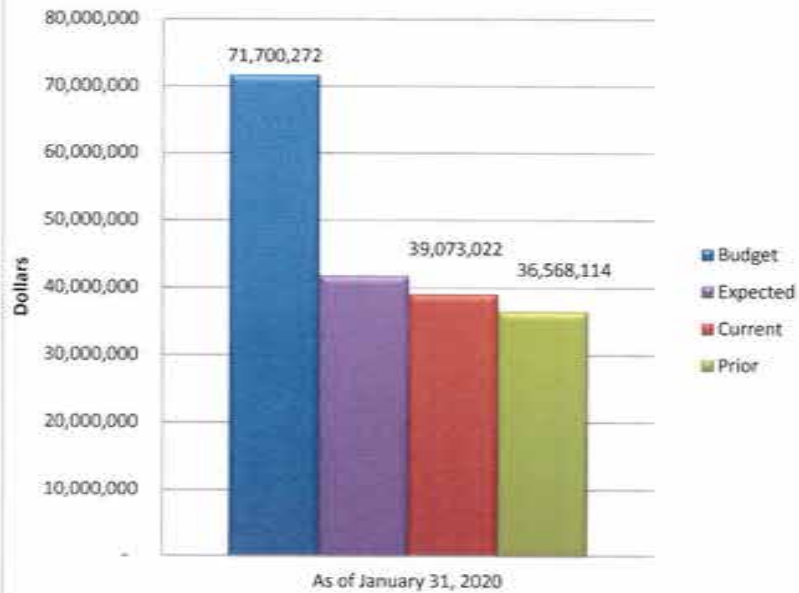
As of January 31, 2020

Total Revenues

(excluding bonds)

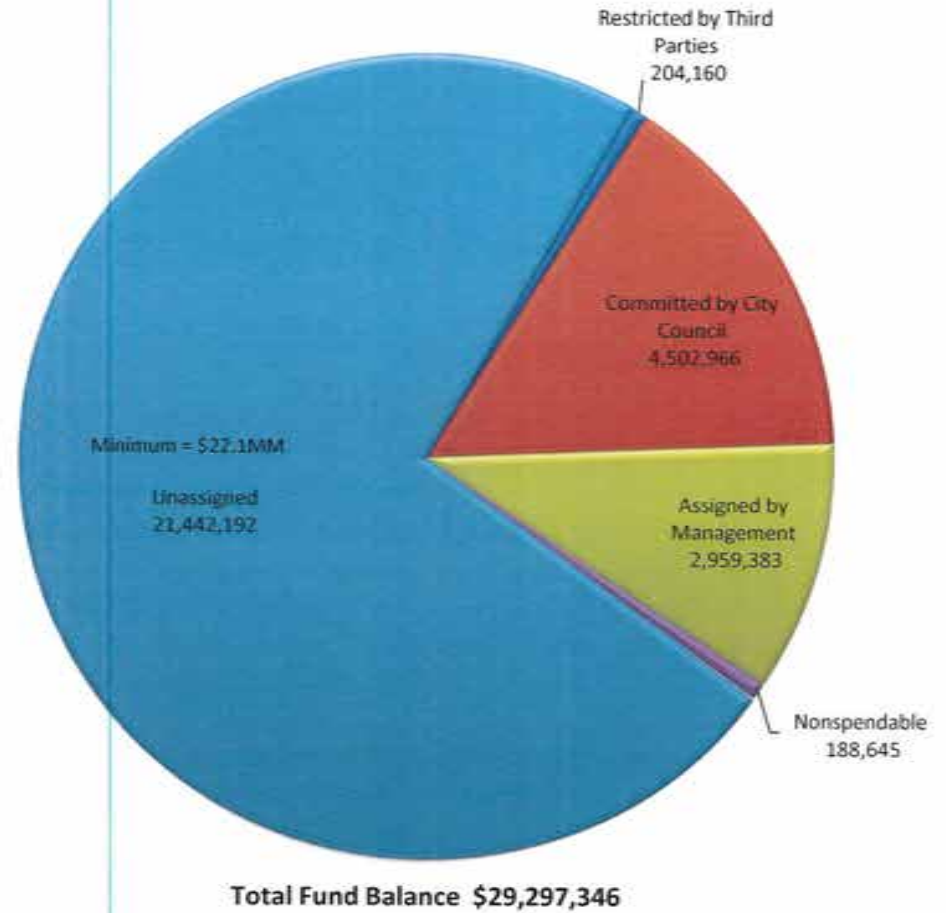


Departmental Spending



Fund Balance - General Fund

as of January 31, 2020



Council Letter

City of Danville, Virginia



CL-2263

New Business B.

City Council Regular Meeting

Meeting Date: 02/18/2020

Subject: Whitmell Solar and Ringgold Solar Metering and Billing-American Municipal Power

From: Jason Grey, Utilities Director

COUNCIL ACTION

Business Meeting: 02/18/2020

SUMMARY

The City of Danville will begin receiving solar energy from (2) five-megawatt solar farms on Irish Road beginning this summer. The Irish Road and Whitmell solar generating facilities will be owned and operated by Navisun and produce approximately 24,000,000 kilowatt hours. The City will also receive twelve megawatts of solar energy from the Danville Farm solar facility. This solar facility will be owned and operated by Strata Solar and looks to be operational by June 1, 2020. From a financial perspective, staff would like City Council's approval to have American Municipal Power (AMP) meter the three solar generating assets and bill the City for the energy and capacity produced. AMP currently provides this service for the Kentuck solar farm and Schoolfield Hydro facility.

BACKGROUND

In July 2018, the City of Danville entered into a twenty-five-year agreement with Strata Solar for twelve megawatts of solar generation at Danville Farm solar facility located in Ringgold, Virginia. The City also entered into another 25-year agreement with Turning Point Energy to receive electric generation from the five megawatt Irish Road solar farm and the five megawatt Whitmell solar farm this summer. These generation resources will provide local energy and save on rising transmission and capacity charges.

RECOMMENDATION

Staff recommends that City Council authorize the City Manager to enter into American Municipal Power's (AMP) Agency Designation Agreement, which will allow AMP to manage the revenue meters associated with the Danville Farm, Irish Road, and Whitmell solar farms. AMP will bill the City for any electric generation produced at the facility.

Attachments

Resolution

AMP Agency Agreement

PRESENTED: _____

ADOPTED: _____

RESOLUTION NO. 2020-____.____

A RESOLUTION 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.

WHEREAS, the City of Danville, Virginia (herein "Municipality") owns and operates an electric system for the benefit of its residents and customers; and

WHEREAS, by working jointly with American Municipal Power, Inc. (hereinafter "AMP") and the other municipalities which are members of AMP, the Municipality can supply its electric utility consumers with reliable service at reasonable rates; and

WHEREAS, Municipality has entered into a Power Purchase Agreement ("PPA") for solar power with TPE Irish Road Solar, LLC ("TPE"), Whitmell Solar, LLC ("Whitmell"), and Strata Solar Danville Farm, LLC ("Farm"), each a "Seller" and collectively the "Sellers"; and

WHEREAS, Municipality desires to enter into an agreement that, among other things, grants AMP authority to act as Municipality's authorized agent with such authority as is necessary for invoicing and payment collection of the amounts owed by Municipality for power from the Sellers' solar facilities; and

WHEREAS, AMP is willing to accept appointment as Municipality's agent for purposes of invoicing and payment collection for and, to the extent possible, necessary for collection of the amounts owed by Municipality for power from the Sellers' solar facilities; and

WHEREAS, after due consideration, Municipality has determined that it is reasonable and in its best interest to proceed as authorized herein below and requests and authorizes AMP to serve as the metering and billing agent upon the terms and conditions set forth in the Agency Designation Agreement.

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

SECTION 1: That the form of the Agency Agreement attached hereto/on file with the Clerk is hereby approved, subject to and with any and all changes therein or hereinafter provided.

SECTION 2: That the City Manager is hereby authorized to execute the Agency Agreement substantially in the form of Exhibit 1, along with such modifications to the same that are deemed by the City Manager as not adverse to the interests of the Municipality, provided that neither this ordinance or the Agency Agreement authorize or obligate the Municipality to undertake the construction and operation of any hydroelectric facility.

SECTION 3: This Council finds and determines that all formal actions of this Council concerning and relating to the adoption of this Resolution, to the extent required to be, were taken in an open meeting of this Council and that all deliberations of this Council and any of its committees that resulted in those formal actions were in compliance with the Law.

SECTION 4: For the reasons set forth in the preamble hereto, this Resolution is

APPROVED:

MAYOR

ATTEST:

CLERK

Approved as to
Form and Legal Sufficiency:

City Attorney

**AGENCY DESIGNATION AGREEMENT
BETWEEN THE CITY OF DANVILLE, VIRGINIA
AND AMERICAN MUNICIPAL POWER, INC.
FOR THE DESIGNATION OF AMP AS BILLING AGENT**

This Agency Designation Agreement to designate American Municipal Power, Inc., ("AMP") as Agent is made by the City of Danville, Virginia ("Municipality") as Principal.

RECITALS:

WHEREAS, Municipality and AMP have entered into a Master Service Agreement ("MSA", AMP Contract No. C-2-2006-4975) under which certain services may be provided under schedules thereto;

WHEREAS, Municipality has entered into a Power Purchase Agreement ("PPA") for solar power with TPE Irish Road Solar, LLC ("TPE"), Whitmell Solar, LLC ("Whitmell"), and Danville Farm, LLC ("Farm"), each a "Seller" and collectively the "Sellers";

WHEREAS, each Seller independently invoices and seeks payment collection of the amounts owed by Municipality for power from their respective solar facility;

WHEREAS, Municipality desires to designate AMP as its agent for the purpose of metering the power produced by the each Seller, billing Municipality and remitting payment to the appropriate Seller on behalf of Municipality.

1. DESIGNATION OF AMP AS BILLING AGENT

Municipality hereby designates and authorizes AMP, and AMP hereby accepts and agrees, to be Municipality's exclusive billing agent for deliveries of electric power and energy to Municipality pursuant to the TPE PPA, Whitmell PPA, and Farm PPA (collectively the "PPAs"), during the term of each such agreement.

2. RATE

Municipality shall pay AMP's power sales service fee B (\$0.00058/kWh as of January 1, 2017) for all power purchased by Municipality pursuant to the PPAs for the services provided by AMP to Municipality pursuant to this Agreement.

3. COORDINATION AND METERING TO FACILITATE INVOICING

To facilitate the timely and accurate invoicing by AMP to Municipality for the power purchased from the Sellers' solar facilities, the Parties agree as follows:

- a. For the purpose of obtaining from each solar facility the information necessary to determine Municipality's cost responsibilities, AMP has installed a meter at each solar facility that can be remotely read by AMP. Each month, AMP shall remotely

read the meter and include a line item on the AMP invoice for the power purchased at the rates set forth in the corresponding PPA plus the AMP service fee B in accordance with AMP's normal billing practice.

- b. Municipality shall remit payment to AMP pursuant to the terms and conditions set forth in the MSA.
- c. AMP shall remit payment to each Seller pursuant to the terms and conditions set forth in the Seller's PPA.
- d. The Parties will cooperate in good faith in the further sharing of information as may be appropriate to support the efficient and cost-effective implementation of billing services.

4. TERM AND TERMINATION.

Either Party may terminate this Declaration by providing at least thirty (30) days prior written notification to the other Party. Upon such termination, Municipality shall take full rights, responsibilities, obligations, ownership and operation of all accounts described herein.

5. LIMITATION OF LIABILITY

Municipality shall, at all times, remain obligated to pay for the solar power received pursuant to the terms and conditions of the PPAs. Under the terms and conditions of this Agreement, AMP agrees to serve as the billing agent for Municipality but AMP shall not take ownership at any time of any power produced by any Seller's solar facility and is not liable for any costs associated with any power produced by any Seller's solar facility. The total aggregate of liability of AMP to Municipality for any and all claims, whether caused by negligence, error, omissions, strict liability, breach of contract or contribution or indemnity claims based on third party claims, shall not exceed the total compensation received by AMP under this Schedule.

6. MISCELLANEOUS.

a. **INDEPENDENT CONTRACTOR.** AMP is an independent contractor providing services to Municipality. This Schedule shall not be construed or interpreted as creating any employment, partnerships, or joint venture relationship between AMP and Municipality. The Sellers shall not exercise any control over AMP's employees or agents and Municipality shall not exercise any control over AMP's employees or agents.

b. **CONTROLLING LAW.** This Schedule shall be controlled by the laws of the State of Ohio. The Parties agree that the courts of Franklin County, Ohio shall have exclusive jurisdiction over any litigation arising out of this Schedule.

c. **ASSIGNMENT.** Neither Municipality nor AMP may assign, sublet, or transfer any rights under or interest (including, but without limitation, moneys that may become due or moneys that are due) in this Schedule without the written consent of the other, such consent not to be unreasonably withheld. Unless specifically stated to the contrary in any written consent to an assignment, no assignment will release or discharge the assignor from any duty or responsibility under this Schedule.

d. **THIRD PARTY RELIANCE.** Except as noted, nothing in this Schedule shall be construed to give any rights or benefits in this Schedule to anyone other than Municipality or AMP and all duties and responsibilities undertaken pursuant to this Schedule will be for the sole and exclusive benefit of Municipality and AMP and not for the benefit of any other party.

e. **MODIFICATION.** Modifications to this Schedule may, from time to time, be necessary. All modifications to this Schedule shall be through a written amendment, executed by the duly authorized representatives of both Parties.

f. **NOTICES.** Any notice required pursuant to this Schedule must be in writing and addressed to the other Party as listed below:

Member: City of Danville
Attn: Jason Grey
Utilities Director
1040 Monument Street
Danville, VA24541
Phone: 434-799-5270
Fax: 434-799-6549
greyjc@danvilleva.gov

AMP: American Municipal Power, Inc.
1111 Schrock Road, Suite 100
Columbus, Ohio 43229
Attn: General Counsel for Regulatory Affairs
lmcaster@amppartners.org

Notices shall be deemed to have been given by a Party to the other Party upon the date of receipt thereof by the other Party.

g. **SURVIVAL.** All express representations, indemnifications, or limitations of liability made or given in this Schedule will survive the completion of all Services and the termination of this Schedule for any reason.

h. SEVERABILITY. Any provision or part of this Schedule held to be void or unenforceable under any law or regulation shall be deemed stricken, and all remaining provisions shall continue to be valid and binding upon Municipality and AMP.

i. TERMS OF MSA. This Schedule is entered into as a supplement to the MSA. All terms and conditions of the MSA not in direct conflict with the terms and conditions of this Schedule shall apply to this Schedule as if fully set forth herein.

j. EXECUTION IN COUNTERPARTS. This Agreement may be executed in counterparts, each of which shall be deemed to be an original, but all of which together shall constitute one and the same instrument.

IN WITNESS WHEREOF, Municipality and AMP execute this Declaration to be effective as of the date written above.

MUNICIPALITY AS PRINCIPAL

**AMERICAN MUNICIPAL POWER, INC.
AS AGENT:**

Signature: _____

Signature: _____

Name: _____

Name: Pamala M. Sullivan

Title: _____

Title: EVP Power Supply and Generation

Approved as to Form:

Approved as to Form:

Signature: _____

Signature: _____

Name: _____

Name: Lisa G. McAlister

Title: _____

Title: General Counsel for Regulatory Affairs

Council Letter

City of Danville, Virginia



CL-2286

New Business C.

City Council Regular Meeting

Meeting Date: 02/18/2020

Subject: West Piedmont Planning District Commission's Comprehensive Economic Development Strategy

From: Corrie Bobe, Assistant Director of Economic Development

COUNCIL ACTION

Business Meeting: 02/18/2020

SUMMARY

The West Piedmont Planning District Commission's (WPPDC) Comprehensive Economic Development Strategy (CEDS) Priority Projects list provides the basis for the receipt of federal Economic Development Administration (EDA) funds to help underwrite the costs of local projects. The EDA requires that regional plans be updated annually.

BACKGROUND

The West Piedmont Planning District Commission (WPPDC) has started work on the 2020-2021 CEDS update. Due to a shift in the plan development and submission process by the U.S. Department of Commerce, Economic Development Administration, the timeframe to submit the Regional Comprehensive Economic Development Strategy is by March 31, 2020.

RECOMMENDATION

It is recommended that the City Council adopt the attached resolution, which will approve the submission of the City's CEDS Projects List, as shown in the attached document, for 2020-2021. City Council's adoption of the attached resolution also authorizes the City Manager to submit the required letter of endorsement.

Attachments

Resolution

CEDS Project List

Participation Letter

PRESENTED: _____

ADOPTED: _____

RESOLUTION 2020-____.____

A RESOLUTION 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.

WHEREAS, the City of Danville desires to maintain its status as a redevelopment area under the Economic Development Administration and desires to be covered by the 2020-2021 Comprehensive Economic Development Strategy (CEDS) for the West Piedmont Planning District; and

WHEREAS, the City of Danville would like to submit its list of projects for the CEDS priority projects listing, a copy of which is attached hereto.

NOW THEREFORE, BE IT RESOLVED, by the Council of the City of Danville, Virginia, that the City Manager be, and he is hereby, authorized and directed to submit Danville's CEDS project list and endorsement letter.

APPROVED:

MAYOR

ATTEST:

CLERK

Approved as to
Form and Legal Sufficiency:

City Attorney

COMPREHENSIVE ECONOMIC DEVELOPMENT STRATEGY
PRIORITY PROJECTS
April 1, 2020 - March 31, 2021

Project	Priority /Type	Description	Funding Source	Amount	Total	Environmental Impact	No. of Jobs
Southern Virginia Megasite at Berry Hill Danville & Pittsylvania County	1/I	Design and grading of a 65 acre pad on Lot 11	EDA VTC City County	\$ 1,200,000 \$ 2,000,000 \$ 500,000 \$ 500,000	\$ 4,200,000		1,500
Southern Virginia Megasite at Berry Hill Danville & Pittsylvania County	1/I	Extend force main, sewer main, and pumping station to serve all lots in the industrial park	EDA VTC City	\$ 1,500,000 \$ 1,000,000 \$ 1,000,000	\$ 3,500,000		1,500
Southern Virginia Megasite at Berry Hill Danville & Pittsylvania County	1/I	Extend water mains and water tanks (3MG) to serve industrial park	EDA VTC City	\$ 4,000,000 \$ 2,000,000 \$ 2,000,000	\$ 8,000,000		1,500
Riverview Industrial Park - City of Danville	1/I	Grade a 25+/- acre pad on Lot FF in Riverview Industrial Park for industrial project recruitment	Local EDA	\$ 500,000 \$ 500,000	\$ 1,000,000		100
Center for Manufacturing Advancement City of Danville	1/I	Construct a new 51,000 sf building within the Cyber Park which will include space for Industry 4.0, a quality lab, space for manufacturing optimization, and three rapid launch high bays for new industry.	EDA State Local Fdtn	\$ 2,500,000 \$ 18,500,000 \$ 4,500,000	\$ 25,500,000		12 Direct 1,020 Indirect
Schoolfield Infrastructure Improvements - City of Danville	1/I	Demolition of tunnels, open foundations, and finishing plant	EDA Local	\$ 2,500,000 \$ 2,500,000	\$ 5,000,000	Positive	200
White Mill Redevelopment - City of Danville	1/I	Electric transmission lines and substation to accommodate redevelopment of the White Mill, formerly served by Dan River and AEP	EDA Local	\$ 2,500,000 \$ 3,500,000	\$ 6,000,000	Positive	200
River Front Park, White Water Course, and Covered Pedestrian Bridge - City of Danville	1/I	Development of a park area adjacent to the Martin Luther King Jr. bridge in accordance with the River District development program. Complete the engineering of a world-class white water course using an existing canal located in the River District and also connecting it into the Dan River. Complete the design and construction to convert former textile pedestrian bridge into a public amenity, which will connect the White Mill and riverfront park to the north banks of the river. The north banks are well-suited for new development.	Local EDA Local Fdtn State	\$ 3,000,000 \$ 3,950,000 \$ 4,900,000 \$ 500,000	\$ 12,350,000	Positive	Indirect

COMPREHENSIVE ECONOMIC DEVELOPMENT STRATEGY
PRIORITY PROJECTS
April 1, 2020 - March 31, 2021

Project	Priority /Type	Description	Funding Source	Amount	Total	Environmental Impact	No. of Jobs
River District Parking Facility - City of Danville	1/I	Construct a new parking facility with retail and office space to accommodate parking demand in the River District	EDA Local	\$ 10,000,000 \$ 10,000,000	\$ 20,000,000		150 Direct and Indirect
Industrial Shell Building - Danville & Pittsylvania County	1/II	Construct a new jointly funded City/County 30,000 SF industrial shell building to assist with marketing to industry desiring an expedited location decision and to modify the current inventory of buildings suited for modern manufacturing.	EDA Local VTC	\$ 1,000,000 \$ 1,000,000 \$ 1,000,000	\$ 3,000,000		TBD
Southern Virginia Megasite at Berry Hill on and off-site Rail Construction - Danville & Pittsylvania County	1/II	New on-site rail construction and off-site improvements for Berry Hill Regional Industrial Park	VA-RPT Norfolk Sth VTC EDA Local	\$ 3,125,000 \$ 3,125,000 \$ 625,000 \$ 625,000 \$ 5,000,000	\$ 12,500,000		1,500
Southern Virginia Megasite at Berry Hill Danville & Pittsylvania County	1/II	Design and grading of a 100 acre pad on Lot 4	EDA VTC City County	\$ 2,500,000 \$ 1,000,000 \$ 500,000 \$ 500,000	\$ 4,500,000		1,500
Southern Virginia Megasite at Berry Hill Danville & Pittsylvania County	1/II	Natural gas engineering and infrastructure development	EDA Local VTC	\$ 3,000,000 \$ 2,000,000 \$ 1,000,000	\$ 6,000,000		1,500
Site Improvements at the Coleman Industrial Site - City of Danville	1/II	Site improvements to include grading and sanitary sewer, electrical service and misc. infrastructure development	EDA Local	\$ 4,700,000 \$ 6,495,182	\$ 11,195,182		200
Site Improvements at Cane Creek Centre Industrial Park - City of Danville & Pittsylvania County - Lot 10	1/II	Site improvements to include access road, grading, and sanitary sewer for Lot 10	EDA VTC Local	\$ 3,000,000 \$ 1,500,000 \$ 400,000	\$ 4,900,000		300
Hangar at North Side of Danville Regional Airport City of Danville	1/II	Site preparation, A/E design, and construction of 100' x 130' hangar	EDA Local	\$ 1,050,000 \$ 1,050,000	\$ 2,100,000		TBD
Revolving Loan Fund - City of Danville	2/I	Augment existing program given increased demand	EDA IDA	\$ 150,000 \$ 99,000	\$ 249,000		TBD
Water & Gas System Improvement - City of Danville	2/I	Elevated water storage tank and pumping station and water and gas mains for South Danville Corridor, an unserved area	EDA Local	\$ 4,500,000 \$ 4,500,000	\$ 9,000,000	Positive	Indirect
City Auditorium Renovations City of Danville	2/II	Complete renovation of the City Auditorium that was built in 1932, housing a 1,000 seat auditorium in the heart of the River District	EDA Local	\$ 6,650,000 \$ 6,650,000	\$ 13,300,000		TBD

February 18, 2020

Ms. Linda Cruz-Carnall, Regional Director
U.S. Department of Commerce
Economic Development Administration
Philadelphia Regional Office
Robert N.C. Nix Federal Building
900 Market Street, Room 602
Philadelphia, PA 19107

Dear Ms. Cruz-Carnall:

Whereas the local governing body of Danville, Virginia supports the West Piedmont Economic Development District Designation, this is to advise that we have elected to be covered by the Year 2020 Comprehensive Economic Development Strategy for the West Piedmont Planning District in its capacity as an EDA Economic Development District. The projects included in the document's prioritized project list have been endorsed by the local governing body at its meeting on February 18, 2020 for assistance in improving the economy of our area.

On behalf of my community, thank you for the opportunity to participate in the Economic Development Administration's Economic Development District Program.

Sincerely,

Kenneth Larking
City Manager

cc: Leah Manning, WPPDC

Council Letter

City of Danville, Virginia



CL-2275

New Business D.

City Council Regular Meeting

Meeting Date: 02/18/2020

Subject: Gang Coordinator Grant Ordinance

From: Cynthia Thomasson, Budget Director

COUNCIL ACTION

First Reading: 02/18/2020

Final Adoption: 03/03/2020

SUMMARY

The City has received an award from the Department of Criminal Justice Services (DCJS) to fund the Gang Coordinator position and related expenditures for the Youth Engagement Programs (Project Imagine). The funding includes \$123,908 of federal funds and \$25,208 of local funds for a total of \$149,116. The grant covers expenditures from January 1, 2020, through June 30, 2021.

BACKGROUND

Project Imagine is a 9-week, work readiness program for ages 15 to 21 that provides at-risk and gang affiliated individuals employment, education and on the job training. The program is based on the evidence based theory of Cognitive Behavior Therapy in that if the youth can implement new information and standards, then they can change their behavior. The idea is that the program creates a positive "image" in the mind of the youth so that he or she can "Imagine" a life without gangs or crime. Participants receive hands on training at a work-site up to 40 hours per week through partnerships with city departments, non-profit organizations and for-profit businesses. The program also provides guidance for the youth and family with referrals to additional services such as education, housing, and mental health.

A full-time Program Coordinator is required to ensure the program is implemented properly. The Coordinator will be responsible for the day-to-day management of the project. The Coordinator ensures that key agencies maintain proper representation on the various groups required by the model, and that the team meets regularly. They also coordinate and monitor ongoing training and education on the project to community and civic groups, businesses, schools, and others.

The Program Coordinator will also be responsible for reaching out to gang members identified by the Danville Police Department's Violent Crime Gang Unit, and linking them to services and institutions, providing access to resources, reducing attachment of project youth to gangs and gang activities, and assisting in community mobilization in the target area.

RECOMMENDATION

It is recommended that City Council adopt the attached ordinance appropriating funds for this program.

Attachments

Ordinance

PRESENTED: _____

ADOPTED: _____

ORDINANCE NO. 2020-_____._____

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.

WHEREAS, the City of Danville has received an award from the Department of Criminal Justice Services (DCJS) for the City's Youth Engagement Programs of the Danville Crime Reduction Office in the amount of \$123,908 and Local Share in the amount of \$25,208 for a total appropriation of \$149,116; and

WHEREAS, the funding will be used for annual salary and benefits of a Gang Prevention Coordinator, and related expenditures for the Youth Engagement Program; and

WHEREAS, the grant will cover expenditures from January 1, 2020 through June 30, 2021.

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 to anticipate the receipt of funds in the amount of \$123,908 from the DCJS Program grant award and Local Share in the amount of \$25,208, appropriation to be as follows:

ANTICIPATED REVENUE

<u>Description</u>	<u>Account No.</u>	<u>Amount</u>
2020 DCJS-Gang Coordinator		
Federal Revenue	61554000-48230	\$123,908
Transfer In From General Fund	61554000-6101	<u>25,208</u>
	Total	<u>\$149,116</u>

ANTICIPATED EXPENDITURES

<u>Description</u>	<u>Account No.</u>	<u>Amount</u>
2020 DCJS Gang Coordinator	61554999-50	<u>\$149,116</u>

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

BE IT FURTHER ORDAINED, that this appropriation shall be a flexible budget for Federal, State, and other grant funding; and

BE IT FINALLY 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