



DANVILLE CITY COUNCIL REGULAR MEETING AGENDA

MUNICIPAL BUILDING

January 4, 2022

7:00 P.M.

PRESIDING: Alonzo L. Jones, Mayor

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

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

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

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

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

Time and Place of Meeting

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

Communications from Visitors

Communication from Visitors is an opportunity for citizens to address Council on matters not on the agenda. Citizens who desire to speak on 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.

MEETING MINUTES

- A. Consideration of Approval of Minutes from Regular Council Meeting held on December 7, 2021. Council Letter Number CL - 2691.

APPOINTMENTS

- A. Consideration of Appointments to the Danville-Pittsylvania Regional Industrial Facility Authority. Council Letter Number CL - 2695.
 - 1. A Resolution Reappointing Sherman M. Saunders as a Member of the Danville-Pittsylvania Regional Industrial Facility Authority.
 - 2. A Resolution Reappointing J. Lee Vogler, Jr., as a Member of the Danville-Pittsylvania Regional Industrial Facility Authority.
 - 3. A Resolution Reappointing Gary P. Miller as an Alternate Member of the Danville-Pittsylvania Regional Industrial Facility Authority.

NEW BUSINESS

- A. Consideration of Rezoning 125 Jefferson Avenue from N-C Neighborhood Commercial to M-R, Multifamily Residential District.
Council Letter Number CL - 2692.
1. Public Hearing
 2. An Ordinance Rezoning 125 Jefferson Avenue (Parcel ID# 23123) from N-C Neighborhood Commercial District to M-R, Multifamily Residential District.
- B. Consideration of Vacating a Portion of an Alley Adjacent to 467 West Main Street.
Council Letter Number CL - 2666.
1. Public Hearing
 2. An Ordinance Vacating Approximately 952 Square Feet of Public Right-of-Way Adjacent to 467 West Main Street
- C. Consideration of Vacating a Right of Way Adjacent to 200 Old US 29 Highway.
Council Letter Number CL - 2667.
1. Public Hearing
 2. An Ordinance Vacating Approximately 0.464 Acres of Public Right-of-Way Adjacent to 200 Old US 29 Highway.
- D. Consideration of Amending the Fiscal Year 2021 Budget Appropriation Ordinance for Grant Funds from the Department of Housing and Urban Development, from Healthy Homes, and a Local Match for a Total Appropriation of \$1,634,769.
Council Letter Number CL - 2671.
- An Ordinance Amending the Fiscal Year 2022 Budget Appropriation Ordinance to Provide for Grants from the U.S. Department of Housing and Urban Development Office of Lead Hazard Control and Healthy Homes in an Aggregate Amount of \$1,634,769, and a Local Share in the Amount of \$145,231 to be Provided by Unspent CDBG Funds, for a Total Appropriation of \$1,780,000 and Appropriating the Same.
- FIRST READING**
- E. Consideration of Amending the Fiscal Year 2022 Budget Appropriation Ordinance for State of Good Repair Program Funds in the Amount of \$1,493,298.
Council Letter Number CL - 2668.
- An Ordinance Amending the Fiscal Year 2022 Budget Appropriation Ordinance for Roadway Maintenance Projects to be Undertaken within the City and to be Financed Anticipating Revenues from Virginia Department of Transportation (VDOT) State of Good Repair/Primary Extension Funds in the Amount of \$1,493,498.
- 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-2691

Meeting Minutes A.

City Council Regular Meeting

Meeting Date: 01/04/2022

Subject: Consideration of Approval of Meeting Minutes

From: Susan M. DeMasi, City Clerk

COUNCIL ACTION

Business Meeting: 01/04/2022

SUMMARY

Consideration of Approval of Minutes from Regular Council Meeting held on December 7, 2021.

Council Letter Number CL - 2691.

Attachments

Meeting Minutes

December 7, 2021

The Regular December meeting of the Danville City Council was held on December 7, 2021, at 7:00 p.m. in the Council Chambers located on the Fourth Floor of the Municipal Building. The following Council Members were present: James B. Buckner, L.G. "Larry" Campbell Jr., Bryant Hood, Mayor Alonzo L. Jones, Barry P. Mayo, Vice Mayor Gary P. Miller, J. Lee Vogler, Jr., and Madison J.R. Whittle (8). Sherman M. Saunders was absent (1).

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

INVOCATION

The Invocation was given by J. Lee Vogler, Jr., followed by the Pledge of Allegiance led by former Mayors Sam Kushner and John Hamlin.

ANNOUNCEMENTS AND SPECIAL RECOGNITIONS

Mayor Jones recognized Dr. Martha Walker, President of Riverview Rotary, who thanked council members who participated in the past weekend's Christmas Parade. Dr. Walker noted in 2018, Director of Parks and Recreation Bill Sgrinia asked Riverview Rotary to support and financially contribute toward the Riverfront Park in Danville. Riverview Rotary has spent the last three years working to meet their financial commitment for this park. Dr. Walker reviewed the various fund raisers the Rotary has done, and introduced Past President Glen McClanahan, Chair of the Annual Ducks on the Dan fundraiser. Mr. McClanahan explained Ducks on the Dan, acknowledged the local businesses and groups that participated and noted this event generated the funds for the donation to the Riverfront Park. Dr. Walker stated this was a community event, businesses invested, the downtown region becomes a destination for families to come together, celebrate and cheer for the ducks. Dr. Walker noted it has raised \$50,000 over three years, and the Riverview Rotary was presenting that to Council tonight. Mayor Jones and Council Members thanked the Rotarians for what they have done and for their donation.

Mayor Jones recognized Mr. Robert Livingston of Caesars Entertainment who gave Council a brief update. Mr. Livingston noted they were in Danville in September with an update on the design and were there tonight to update Council on the work that has been done. They have been doing abatement and demolition trying to get the site ready for the new construction; there was a lot of infrastructure still on the site. They did take down the water tower on the site, and they have been getting a lot of questions about the finishing plant, when and how it was going to come down. They were assessing the safest and most economical method for removing the structure, expect it to happen in March or April and it will be a lengthy process. After the building comes down it will take time to clear or repurpose the debris, and that will likely stretch into the summer. That will not slow down the project; construction will begin in other areas of the site during that demolition and remediation. Caesars has also been participating in the Master Plan process for the Main Street corridor being led by WRT, they have also started submitting for the initial round of construction permits and will continue to work closely with the City and state agencies during that process. Mr. Livingston noted on the northeast corner of the site they were creating a sediment pond that was needed for erosion control. Last week they issued an RFP to potential general contractors; bids were due in early January and their goal was to select one by the end of January. They will be looking for a contractor with the capacity to mobilize quickly to get this project underway in the spring. Representatives from a number of national and regional contractors were in town last week to meet with Caesars' design and construction team to walk the site. Once the General Contractor has been identified and mobilized they will start the new construction, and they expect that to be the hotel tower. They anticipate having a ground breaking

event, but the timing will depend on several factors; they will communicate with the City Manager on their progress. They have made commitments to the community regarding offering opportunities to local and minority owned businesses and contractors to be involved in this project, and they intend to keep those commitments. They were asking each general contractor who was bidding on this work to explain their track record working with minority contractors, plus how in particular they will reach out to a diverse array of businesses on this project. The general contractor selected will be expected to hold outreach and informational sessions with interested suppliers and contractors. While they will engage as many local contractors and suppliers as possible, they will need to go outside the area for parts of the work including the specialized aspects that were found in bigger markets. The Danville construction market was not big enough on its own to cover everything that was needed in this project. If citizens see trucks or workers from Greensboro, Charlotte, Roanoke or Richmond or some other location, that was the reason; they couldn't find that expertise in town. They were excited about putting as many local people on this project as possible and for many years to come as they open the casino.

Mayor Jones thanked Mr. Livingston for his report. Council Member Campbell noted it was important for him that minorities have an opportunity to participate, be a part of Caesars and thanked him for what he was doing. Steven Gould, legal counsel to Caesars Virginia, stated that citizens who would like to be included on the list to receive information about opportunities can email his office at info@sova.legal or call 792-2424.

COMMUNICATIONS FROM VISITORS

Mayor Jones recognized former Mayors Sam Kushner and John Hamlin; Mr. Kushner noted they were there to request that Council consider a revision of the City Seal. Mr. Kushner noted the seal of the city, at the time, represented Danville in the early 1960's when it was created. What may have been appropriate to the City in 1960, was inappropriate for what they want to say about the City today and in years to come. The seal says nothing about Danville today; it does not say that Danville was a dynamic, energetic, forward looking, welcoming community and suggested that was the message they want to present to the public. Mr. Kushner noted he understood the City was engaged in a marketing initiative and suggested that a revision of the seal might be an appropriate thing to consider. Mr. Kushner thanked Council for their attention and he brought greetings from former Mayor Seward Anderson who also supports this. Council Members thanked Mr. Kushner and Mr. Hamlin for coming before Council about this issue.

Mayor Jones recognized Reverend Cecil Bridgeforth who noted his concern with the homeless situation in Danville, stating there has to be place that they can go, not just for the night and then be put out on the streets during the day. The City needs a place where they can house their homeless and while there, provide mental health services to them. Reverend Bridgeforth noted there was a lot of work being done in Almagro but none of the citizens had been contacted to let them know what was being done, and asked in the future that when changes were about to be made, that the citizens of any community should be made aware of it. Council Members thanked Reverend Bridgeforth for coming to Council; it was good to see him back.

Mayor Jones recognized Corrie Bobe, City of Danville's Director of Economic Development who introduced two new members of her team. Ms. Bobe introduced Barbara Fiedor, the new Assistant Director of Economic Development and Lisa Merriweather, the new Tourism Manager.

Mayor Jones recognized Tommy Bennett, Danville, who noted about ten people went to Las Vegas and their first stop was Caesars; he was excited for what will be coming to Danville from Caesars.

December 7, 2021

MEETING MINUTES

Upon **Motion** by Council Member Buckner and **second** by Council Member Campbell, Minutes from the Regular Council Meeting held on November 4, 2021, were approved as presented. Draft copies of the minutes had been distributed prior to the meeting.

APPOINTMENTS

Vice Mayor Miller **moved** for adoption of the following Resolutions:

Resolution No. 2021-12.01 – Appointing Tyrell Payne to the Transportation Advisory Committee to fill the Unexpired Term of Alexis Ehrhardt ending June 30, 2025.

Resolution No. 2021-12.02 – Reappointing Kristen Barker to the Industrial Development Authority.

Resolution No. 2021-12.03 – Reappointing Landon R. Wyatt, Jr., to the Industrial Development Authority.

Resolution No. 2021-12.04 – Appointing David Cumbo to the Industrial Development Authority to fill the unexpired term of Richard Turner, ending November 20, 2022.

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

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

NEW BUSINESS

PUBLIC HEARING – CONSIDERATION OF A SPECIAL USE PERMIT FOR FAMILY DAY CARE AT 420 VAN BUREN STREET

Mayor Jones opened the floor for a Public Hearing regarding a Special Use Permit at 420 Van Buren Street. Notice of the Public Hearing was published in the *Danville Register & Bee* on November 23, 2021 and November 30, 2021. No one present desired to be heard and the Public Hearing was closed.

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

ORDINANCE NO. 2021-12.01

GRANTING SPECIAL USE PERMIT APPLICATION PLSUP 2021-328, FILED BY TYNITA STRICKLAND-CAIN, REQUESTING A SPECIAL USE PERMIT FOR A FAMILY DAY CARE HOME IN ACCORDANCE WITH ARTICLE 3.E SECTION C.24. OF THE DANVILLE ZONING ORDINANCE AT 420 VAN BUREN STREET (PARCEL ID# 04089).

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

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

CONSIDERATION OF IMPOSING AN ADDITIONAL GENERAL LOCAL SALES TAX AND A LOCAL USE TAX AT A RATE OF ONE PERCENT

Mayor Jones opened the floor for a Public Hearing regarding an Additional Local Sales Tax and a Local Use Tax. Notice of the Public Hearing was published in the *Danville Register & Bee* on November 26, 2021.

Mayor Jones recognized Dr. Hairston, Superintendent of Danville Public Schools and School Board member Tyrell Payne. Dr. Hairston noted in March 2020, HB 486 extended an opportunity for local governing bodies in Henry County, Northhampton, Patrick County, Pittsylvania County, and the City of Danville to initiate by resolution and voter approval, a referendum for an additional sales tax to generate revenue solely for capital projects specifically directed toward new school construction and/or other major renovation projects. This transformational opportunity faced many hurdles and Dr. Hairston noted they built a foundation of support among city leadership beginning with the unanimous support of the School Board and City Council. The process was also a challenge for voters because they needed to understand the impact of not one, but two resolutions; one for the administration of sales tax and the bond referendum should the sales tax pass. Dr. Hairston thanked Council for their support during the campaign and the continued support of the Danville Public Schools. They were able to build community support through members of the community and volunteers who participated in more than 75 events throughout the community, providing information to citizens. This led to a majority "yes" vote for both referenda in each precinct. On behalf of the students, those enrolled now and those who will enroll in years to come, Dr. Hairston thanked Council and hoped that through this process of the sales tax and bond referendum, they continue to have support for education, students and educators.

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

CONSIDERATION OF AMENDING CHAPTER 37 FOR NEW ARTICLE XIII AND NEW §37-185

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

ORDINANCE NO. 2021-12.02

AN ORDINANCE AMENDING AND REORDAINING CERTAIN SECTIONS OF CHAPTER 37, ENTITLED "TAXATION," OF THE CODE OF THE CITY OF DANVILLE, VIRGINIA, BY CREATING A NEW ARTICLE XIII, ENTITLED "IMPOSITION OF ADDITIONAL SALES AND LOCAL USE TAX; USE OF REVENUES FOR CONSTRUCTION OR RENOVATION OF SCHOOLS" AND ADDING A NEW SECTION §37-185, ENTITLED "IMPOSITION OF ADDITIONAL SALES TAX; USE OF REVENUES FOR CONSTRUCTION OR RENOVATION OF SCHOOLS".

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

CONSIDERATION OF AMENDING CERTAIN SECTIONS OF CHAPTER 37 OF THE DANVILLE CITY CODE BY AMENDING ARTICLE XIII BY ADDING A NEW §37-186 ENTITLED “IMPOSITION OF ADDITIONAL LOCAL USE TAX; USE OF REVENUES FOR CONSTRUCTION OR RENOVATION OF SCHOOLS”

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

ORDINANCE NO. 2021-12.03

AN ORDINANCE AMENDING AND REORDAINING CERTAIN SECTIONS OF CHAPTER 37, ENTITLED “TAXATION,” OF THE CODE OF THE CITY OF DANVILLE, VIRGINIA, BY AMENDING ARTICLE XIII, ENTITLED “IMPOSITION OF ADDITIONAL SALES AND LOCAL USE TAX; USE OF REVENUES FOR CONSTRUCTION OR RENOVATION OF SCHOOLS” BY ADDING A NEW § 37-186, ENTITLED “IMPOSITION OF ADDITIONAL LOCAL USE TAX; USE OF REVENUES FOR CONSTRUCTION OR RENOVATION OF SCHOOLS”.

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

CONSIDERATION OF THE ISSUANCE, SALE AND AWARD BY THE CITY OF GENERAL OBLIGATION BONDS

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

RESOLUTION NO. 2021-12.05

PROVIDING FOR THE ISSUANCE, SALE AND AWARD BY THE CITY OF DANVILLE, VIRGINIA, OF ONE OR MORE SERIES OF GENERAL OBLIGATION PUBLIC IMPROVEMENT AND REFUNDING BONDS, HERETOFORE AUTHORIZED, PROVIDING FOR THE FORM, DETAILS AND PAYMENT OF SUCH BONDS AND PROVIDING FOR THE REFUNDING OF CERTAIN OUTSTANDING BONDS OF THE CITY.

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

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

CONSIDERATION OF APPROVING THE CITY’S PARTICIPATION IN THE PROPOSED SETTLEMENT OF OPIOID RELATED CLAIMS

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

RESOLUTION NO. 2021-12.06

A RESOLUTION OF COUNCIL OF THE CITY OF DANVILLE, VIRGINIA APPROVING OF THE CITY’S PARTICIPATION IN THE PROPOSED SETTLEMENT OF OPIOID-RELATED CLAIMS AGAINST MCKESSON, CARDINAL HEALTH, AMERISOURCEBERGEN, JANSSEN, AND THEIR RELATED CORPORATE ENTITIES, AND DIRECTING THE CITY ATTORNEY TO

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EXECUTE THE DOCUMENTS NECESSARY TO EFFECTUATE CITY'S PARTICIPATION IN THE SETTLEMENTS

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

Vice Mayor Miller noted last year 100,000 people died of opioid related overdoses in this country, about 80,000 the year before. The City entered into this agreement as a class action suit against these companies who willingly knew what they were doing, knew they were addictive drugs, but promoted them as non-addictive, short-acting opioids. They were supported, unfortunately, by physicians, pharmacies, corporate entities, and drug script companies that made money. The City participated in the class action suit because of the damage that was done to communities across the country; it was costing millions for communities for rescue squads, treatment of overdoses, and mental health. This settlement was to try to make some recompense to the communities and the citizens that have suffered. Council Member Whittle noted it was a \$1M settlement over eighteen years; they should look at it again and fight it; he was pushing back on \$1M over eighteen years and still thinks they should fight.

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

VOTE: 7-1-1
AYE: Buckner, Campbell, Hood, Jones, Mayo,
Miller and Vogler (7)
NAY: Whittle (1)
ABSENT: Saunders (1)

CONSIDERATION OF AMENDING CHAPTER 1.5 OF THE DANVILLE CITY CODE TO CONFORM TO SENATE BILL 1157

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

ORDINANCE NO. 2021.12.04

AN ORDINANCE AMENDING AND REORDAINING THE CODE OF THE CITY OF DANVILLE, VIRGINIA, 1986, AS AMENDED, TO ADD A NEW CHAPTER 1.5, ENTITLED "CITY COUNCIL ELECTIONS AND ORGANIZATIONAL MEETING; SCHOOLBOARD ELECTIONS; ETC."

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

Council Member Whittle noted he disagrees with this because he feels that City Council elections get lost in national elections.

Council Member Vogler noted, whether they think the elections should be in May or November, he believes it should be up to the localities; he does not like Richmond telling localities when their elections should be. He does not agree with this bill, he understands they have to do it, they don't have a choice but maybe that will change as the General Assembly was changing.

Council Member Campbell questioned the City Attorney, if Council votes this down, what was the purpose of doing it if Council had no power. Mr. Whitfield explained Council needed to approve it, otherwise elections will continue in May, the Attorney General will intervene, and they didn't want that to happen. The City has, rather than have a Charter change which has to have the General Assembly's approval, done it with an Ordinance. Should things change in the General

December 7, 2021

Assembly on this issue, Council can go back and completely repeal this Ordinance. The Ordinance creates a new City Code section and chapter, sets up the election of the School board and the City Council, and sets the Council's meeting as the first business day of January. Mr. Whitfield stated he believes Council has to pass this Ordinance.

Mr. Vogler noted there was a completely different Governor, Lieutenant Governor and Attorney General coming in, he knows the Attorney General coming in, and from conversations, he did not agree with the bill that created all of this. If Council does not pass this, the Attorney General will get involved. If Council keeps its elections where they were, the AG would have to override it. Mr. Whitfield noted he could and the other thing was that if Council were keep the elections the way they were, citizens could actually sue the Board of Elections to overturn the elections as void. Mr. Vogler questioned if there a reason why the Council had to do this tonight, and Mr. Whitfield noted, yes, because people have started asking for petitions for the May election. If Council does not go ahead and pass it, there will be people who will be filing for an election that will be occurring in May, and it creates a bad situation for the Electoral Board and for the City. Mr. Vogler noted Council was changing it and it may change right back in a couple months, it just seems odd to him that Council could just hold off a few weeks and not maybe change it at all. Mr. Whitfield explained the way it was set up was, should the General Assembly allow localities to go back and choose their elections and Council decided they wanted to go to May, Council would direct staff to do an Ordinance repealing Chapter 1.5 of the City Code; it would be that simple. The General Assembly has to change their mind and change the law back to the way it used to be.

Vice Mayor Miller noted his agreement with what has been said, stating he was opposed to this from the beginning. Even the Virginia State Senator from Virginia Beach that introduced the Bill, her City Council was against it. He believes many City Councils and Counties were against this. He thought it would be good for the City to stand up and say, this was wrong, and see who else agreed; that was probably futile, but he did not like this being imposed by the General Assembly, he thought it was totally wrong.

Mayor Jones asked the City Attorney to reiterate what would happen with the Registrar and her staff. Mr. Whitfield explained the Registrar has held a few people off and if Council does not do this tonight, people were going to start filing for the General Election in May; that creates a bad situation for her. Staff needs to get this to Richmond, because it ultimately has to be approved by the electoral board of the State so that Danville can move the elections. Danville wants to do things lawfully.

Mr. Vogler noted he could not get behind this and was not going to vote for it. Council Member Campbell questioned if Council votes against it, that was the wrong direction and Mr. Whitfield noted that was correct. He would not be recommending this if he did not think that was what Council needed to be doing to follow the law, whether they agree with the law or not.

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

VOTE:	4-4-1
AYE:	Buckner, Campbell, Jones, Mayo (4)
NAY:	Vogler, Whittle, Hood, Miller (4)
ABSENT:	Saunders (1)

Mayor Jones questioned what does Council need to do and Mr. Whitfield noted he would have to find out; right now it will probably be brought back.

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City Manager Ken Larking noted when the General Assembly enacts a law, it doesn't become effective until July of that year. If they were to change something in the next General Assembly, how does that work with the timeline; if it doesn't become effective until July, would that even work retroactively to May. Mr. Larking noted he did not know logistically how they would be able to get out of not having the election in November. Mr. Whitfield noted this can be brought back at the next meeting if someone that was on the prevailing side, which voted No, were to make the Motion. Mr. Whitfield noted he would research it.

CONSIDERATION OF AMENDING THE FISCAL YEAR 2022 BUDGET APPROPRIATION FOR CAPITAL AND SPECIAL PROJECTS

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

ORDINANCE NO. 2021-12.05

AMENDING THE FISCAL YEAR 2022 BUDGET APPROPRIATION ORDINANCE BY ANTICIPATING THE PROCEEDS FROM THE ISSUANCE OF BONDS AND APPROPRIATING SAME FOR ANTICIPATED EXPENDITURES.

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

COMMUNICATIONS

City Attorney Clarke Whitfield noted several weeks ago there was some publicity regarding the outdoor refreshment area legislation. Staff will be bringing their suggestions to Council on this.

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

Council Member Whittle questioned if Mr. Holland got his questions answered from the last meeting and Mr. Larking stated he has had several conversations via email with Mr. Holland. Staff was looking at a few improvements, but they want to avoid any work now that would have to be undone after the Corridor Study was complete.

Council Member Buckner thanked the Riverview Rotary for the work they do for the City, for the contribution to the City's Waterfront Park, and for the Christmas Parade, it was a great time.

Council Member Campbell noted it was great to see Reverend Bridgeforth and his wife at Council this evening.

Council Member Hood congratulated the new businesses that have opened over the last several months, and the months to come. A special shout out to the citizens of Danville for displaying unity, resilience and supporting this great City's growth. It was a pleasure to see Reverend Bridgeforth back.

Council Member Mayo noted it was good to see Reverend Bridgeforth and his wife, as well as Dr. Hairston and what they were doing in the schools. Mr. Mayo noted he enjoyed the Christmas Parade, seeing everyone out and was looking forward to many more. Mr. Mayo thanked the Rotary for what they have done and what they continue to do.

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Vice Mayor Miller noted he was glad to see the Superintendent here tonight, they were doing a great job with the schools, and the campaign they held for the referendum. Vice Mayor Miller noted there were currently vacancies on the Employee Retirement System Board and the Building Code Board of Appeals, and encouraged eligible citizens to apply.

Council Member Vogler thanked the City Attorney for bringing up the outdoor refreshment zones; it was something he wished was possible for the City of Danville for a number of years, but Virginia law did not allow it anywhere in the way it now will be. Mr. Vogler noted he was currently serving as the President of the Kiwanis Club in Danville; this past week they had their citizen of the year banquet, and honored Dr. Albert Payne. Mr. Vogler thanked his nominating committee for the work they did to make this happen. Mr. Vogler noted he enjoyed the parade, riding in the classic cars and thanked everyone who made the parade happen.

Mayor Jones noted City staff and the Riverview Rotary made the parade a great success; Marc Aron introduced every float, everyone in the parade and did a great job. Mayor Jones stated Education was Council's number one priority and there were some exciting things happening in education. All across the State of Virginia, schools had decreased numbers of students and Danville City was increasing; that was due to the forward thinking of Dr. Hairston and the School Board, with the Virtual Academy. It took the leadership of Dr. Hairston, her team and the school board members to get the referendum passed, and thanked them for the work they did. Mayor Jones thanked the Riverview Rotary for being at Council, presenting the check and for being partners with businesses and with the City. They will continue to keep Reverend Bridgeforth and his family in their prayers.

ADJOURNED: 8:35 P.M.

APPROVED:

MAYOR

ATTEST:

CITY CLERK

Council Letter

City of Danville, Virginia



CL-2695

Appointments A.

City Council Regular Meeting

Meeting Date: 01/04/2022

Subject: Consideration of Appointments to Danville-Pittsylvania Regional Industrial Facility Authority

From: Susan M. DeMasi, City Clerk

COUNCIL ACTION

Business Meeting: 01/04/2022

SUMMARY

Considerations of Appointments to the Danville-Pittsylvania Regional Industrial Facility Authority.
Council Letter Number CL - 2695.

Attachments

Resolutions

PRESENTED: _____

ADOPTED: _____

RESOLUTION NO. 2022 - ____ . ____

**A RESOLUTION REAPPOINTING SHERMAN M. SAUNDERS AS A
MEMBER OF THE DANVILLE-PITTSYLVANIA REGIONAL INDUSTRIAL FACILITY
AUTHORITY.**

BE IT RESOLVED by the Council of the City of Danville, Virginia, that Sherman M. Saunders, be, and he is hereby reappointed as a member of the Danville-Pittsylvania Regional Industrial Facility Authority for a four year term commencing January 1, 2022 and ending December 31, 2025.

APPROVED:

MAYOR

ATTEST:

CLERK

PRESENTED: _____

ADOPTED: _____

RESOLUTION NO. 2022 - ____ . ____

**A RESOLUTION REAPPOINTING J. LEE VOGLER, JR. AS A MEMBER OF
THE DANVILLE-PITTSYLVANIA REGIONAL INDUSTRIAL FACILITY AUTHORITY.**

BE IT RESOLVED by the Council of the City of Danville, Virginia, that J. Lee Vogler, Jr., be, and he is hereby reappointed as a member of the Danville-Pittsylvania Regional Industrial Facility Authority for a four-year term commencing January 1, 2022 and ending December 31, 2025.

APPROVED:

MAYOR

ATTEST:

CLERK

PRESENTED: _____

ADOPTED: _____

RESOLUTION NO. 2022 - ____ . ____

**A RESOLUTION REAPPOINTING GARY P. MILLER AS AN ALTERNATE
MEMBER OF THE DANVILLE-PITTSYLVANIA REGIONAL INDUSTRIAL FACILITY
AUTHORITY.**

BE IT RESOLVED by the Council of the City of Danville, Virginia, that Gary P. Miller, be, and he is hereby reappointed as an alternate member of the Danville-Pittsylvania Regional Industrial Facility Authority for a four-year term commencing January 1, 2022 and ending December 31, 2025.

APPROVED:

MAYOR

ATTEST:

CLERK

Council Letter

City of Danville, Virginia



CL-2692

New Business A.

City Council Regular Meeting

Meeting Date: 01/04/2022

Subject: Consideration of Rezoning 125 Jefferson Avenue

From: Doug Plachcinski, Planning Division Director

COUNCIL ACTION

Business Meeting: 01/04/2022

SUMMARY

Rezoning Application PLRZ2021-399, filed by Iulian and Corrie Bobe, requests to rezone 125 Jefferson Avenue (Parcel ID# 23123) from N-C Neighborhood Commercial District to M-R, Multifamily Residential District. The applicant will renovate and restore the building to its previous triplex dwelling configuration

BACKGROUND

The previous owner requested the property be rezoned to N-C for their church operations. The new owners want to restore the property to residential.

The Planning Commission, at their December 13, 2021 meeting, voted 6-0 to recommend approval of Rezoning Application 2021-399.

RECOMMENDATION

The Planning Commission recommends that City Council adopt an Ordinance rezoning 125 Jefferson Avenue (Parcel ID# 23123) from N-C Neighborhood Commercial to M-R, Multifamily Residential District.

Attachments

Ordinance

PLANNING BACKUP

PRESENTED: _____

ADOPTED: _____

ORDINANCE NO. 2022____.____

AN ORDINANCE REZONING 125 JEFFERSON AVENUE (PARCEL ID# 23123) FROM N-C NEIGHBORHOOD COMMERCIAL DISTRICT TO M-R, MULTIFAMILY RESIDENTIAL DISTRICT.

WHEREAS, in accordance with the Code of the City of Danville, Virginia, 1986, as amended, Iulian and Corrie Bobe, requests to rezone 125 Jefferson Avenue (Parcel ID# 23123) from N-C Neighborhood Commercial District to M-R, Multifamily Residential District.

NOW THEREFORE, BE IT ORDAINED, by the Council of the City of Danville, Virginia, that the report of the Planning Commission recommending approval of Rezoning Application 2021-399, the request of the Iulian and Corrie Bobe to rezone 125 Jefferson Avenue (Parcel ID# 23123) from N-C Neighborhood Commercial District to M-R, Multifamily Residential District, is hereby received; and

BE IT FURTHER ORDAINED, that in consideration of said report and the public hearing this day held by Council, Rezoning Application 2021-399, the request of Iulian and Corrie Bobe, to rezone 125 Jefferson Avenue (Parcel ID# 23123) from N-C Neighborhood Commercial District to M-R, Multifamily Residential District, is hereby approved; and

BE IT FINALLY ORDAINED, that 125 Jefferson Avenue (Parcel ID# 23123) on the City of Danville, Virginia, Zoning District Map is hereby amended to reflect the same.

APPROVED:

Mayor

ATTEST:

City Clerk

APPROVED AS TO
FORM AND LEGAL SUFFICIENCY:

City Attorney

RECOMMENDATION

DATE: DECEMBER 13, 2021
TO: CITY COUNCIL
FROM: CITY PLANNING COMMISSION
RE: REZONING APPLICATION 2021-399

REQUEST

Rezoning Application PLRZ2021-399, filed by Iulian and Corrie Bobe, requests to rezone 125 Jefferson Avenue (Parcel ID# 23123) from N-C Neighborhood Commercial District to M-R, Multifamily Residential District. The applicant will renovate and restore the building to its previous triplex dwelling configuration.

RECOMMENDATION

The Planning Commission, at their December 13, 2021 meeting, voted 6-0 to recommend approval of Rezoning Application 2021-399.

A handwritten signature in black ink, reading "Harold E. Garrison" followed by a stylized flourish or initials.

Mr. Harold E. Garrison, Chair

RESPONSES

95 notices were sent to surrounding property owners within 300' feet of the subject property. Four (4) responses were received. Four (4) Unopposed (Congregation of the Episcopal Church of the Epiphany, Front Porch Living LLC, Piedmont Professional Building LLC & Receivables Management Associates LLC). Zero (0) Opposed.

STAFF REPORT

DATE: December 10, 2021
TO: Planning Commission
FROM: Doug Plachcinski, AICP, Planning Division Director + Zoning Administrator
RE: REZONING APPLICATION – 125 JEFFERSON AVENUE

Rezoning Application PLRZ2021-399, filed by Iulian and Corrie Bobe, requests to rezone 125 Jefferson Avenue (Parcel ID# 23123) from N-C Neighborhood Commercial to M-R, Multifamily Residential District. The applicant will renovate and restore the building to its previous triplex dwelling configuration.

BACKGROUND

This applicant would like to amend the zoning map to convert the property for multifamily development.

STAFF ANALYSIS

The proposed rezoning's future land use designation in the Comprehensive Plan "High-Density Residential".

RECOMMENDATION

The Planning Division recommends that the Planning Commission endorse Rezoning Application PLRZ2021-399 for City Council approval.

CITY PLANNING COMMISSION ALTERNATIVE ACTIONS

1. Recommend continuation to a future meeting.
2. Recommend approval as submitted.
3. Recommend approval with conditions determined by the Planning Commission.
4. Recommend denial.

ATTACHMENTS

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

CITY OF DANVILLE

REZONING APPLICATION

TO THE CITY PLANNING COMMISSION AND THE HONORABLE CITY COUNCIL:

Application is hereby made for the rezoning as described below:

INFORMATION TO BE PROVIDED BY THE PLANNING DIVISION

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

INFORMATION TO BE PROVIDED BY THE APPLICANT

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

Gross Area/Net Area: 4110 sqft Property Address: 125 Jefferson Ave, Danville, VA

Property Location: N S E W Side of: 125 Jefferson Ave, Danville VA

Between: Episcopal Church and 131 Jefferson Ave, Danville, VA

Proffered Conditions (if any, please attach): _____

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

1. NAME: 125 Jefferson LLC TELEPHONE: _____

MAILING ADDRESS: 247 W Main Street, Danville, VA

SIGNATURE: *Iulian Meler* DATE: Nov 1, 2021

SIGNATURE: *Conie J. Bobe* DATE: Nov 1, 2021

EMAIL ADDRESS: bobe.iulian@gmail.com

APPLICANT (PLEASE TYPE OR PRINT):

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

NAME: Iulian Bobe (owner of 125 Jefferson LLC) TELEPHONE: 203 524 7227

MAILING ADDRESS: 247 W Main, Danville, VA

EMAIL ADDRESS: bobe.iulian@gmail.com

SIGNATURE: *Iulian Meler* DATE: Nov 1, 2021

EXPLANATION OF REQUEST:

1. NEW COMMERCIAL/INDUSTRIAL DEVELOPMENT:

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

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

Please provide a brief description of the proposed development:

2. ALTERATION OF ZONING BOUNDARIES:

Please provide a survey of proposed Zoning boundaries.

Please provide a brief description of the request:

3. RESIDENTIAL REZONING:

This property was a multi-unit (3) residential. The property was given by Troika LLC to the Episcopal Church to operate the Epiphany School. The Episcopal church requested a change in zoning to Commercial to operate the school. We are seeking the approval to re-zone the property back to residential in order to turn it into a 3 units apartments.

REZONING REQUEST DATA SHEET PLRZ 2021-399

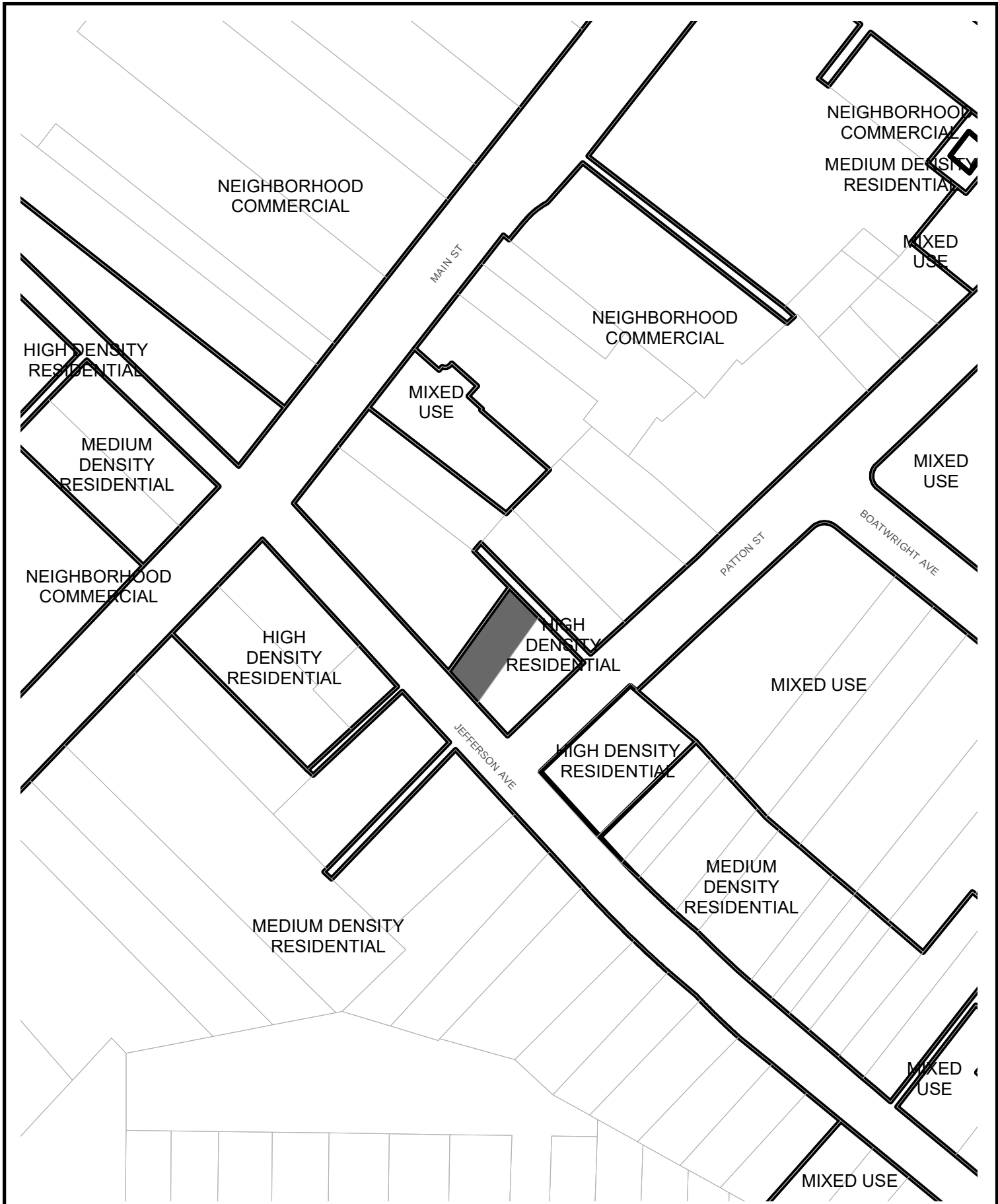
PUBLIC HEARING DATES:	DECEMBER 13, 2021 PLANNING COMMISSION AT 3PM
LOCATION OF PROPERTY:	125 JEFFERSON AVENUE
PRESENT ZONE:	N-C NEIGHBORHOOD COMMERCIAL
PROPOSED ZONE:	M-R MULTIFAMILY RESIDENTIAL
ACTION REQUESTED:	REZONE PROPERTY TO ALLOW THREE APARTMENTS
PRESENT USE OF PROPERTY:	VACANT
PROPOSED USE OF PROPERTY:	MULTIFAMILY RESIDENTIAL
FUTURE LAND USE DESIGNATION:	RESIDENTIAL
PROPERTY OWNER (S):	FRONT PORCH LIVING LLC
NAME OF APPLICANT (S):	IULIAN AND CORRIE BOBE
PROPERTY BORDERED BY:	RESIDENTIAL AND CHURCH
ACREAGE:	APPROXIMATELY 0.12 ACRES TOTAL
CHARACTER OF VICINITY:	RESIDENTIAL NEIGHBORHOOD
INGRESS AND EGRESS:	JEFFERSON AVENUE
TRAFFIC VOLUME:	NEIGHBORHOOD CITY STREET, NO COUNTS

2019 AERIAL VIEW OF AREA SURROUNDING SUBJECT PROPERTY



Prepared by:
Planning Division
11/23/2021

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



YEAR 2030 LAND USE PLAN FOR AREA SURROUNDING SUBJECT PROPERTY



Prepared by:
Planning Division
11/23/2021

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



SURROUNDING PROPERTY OWNERS AND ZONING WITHIN 300 FEET OF SUBJECT PROPERTY



Prepared by:
Planning Division
11/23/2021

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

Council Letter

City of Danville, Virginia



CL-2666

New Business B.

City Council Regular Meeting

Meeting Date: 01/04/2022

Subject: Vacate Right-of-Way Request - West Main Street

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

COUNCIL ACTION

Business Meeting: 01/04/2022

SUMMARY

The property owner at 467 West Main Street is requesting that City Council vacate approximately 952 square feet of the city alley adjacent to her property.

BACKGROUND

The owner of the property at 467 West Main Street is requesting that part of the alley adjacent to her property be vacated. Vacating this right-of-way would eliminate a current encroachment of the private sidewalk and landscaping into this alley. The remaining alley would still be usable by other property owners. All applicable city departments have reviewed the request and no concerns were indicated.

RECOMMENDATION

It is recommended that City Council adopt the accompanying Ordinance vacating approximately 952 square feet of the city alley located adjacent to 467 West Main Street.

Attachments

Ordinance

Exhibit A

Exhibit B

PRESENTED: _____

ADOPTED: _____

ORDINANCE NO. 2022-____.____

AN ORDINANCE VACATING APPROXIMATELY 952 SQUARE FEET OF PUBLIC RIGHT-OF-WAY ADJACENT TO 467 WEST MAIN STREET.

WHEREAS, pursuant to Sections 15.2-2006 and 15.2-2008 of the Code of Virginia, 1950, as amended, the governing body intends to move to vacate a portion of the public right-of-way containing 952 square feet, more or less, to the abutting property owner at Property Identification Number 20436, also known as 467 West Main Street, at no cost other than the application fee and public hearing advertisement cost, as described below, and as shown on Exhibit "A" and described by Exhibit "B", copies of which are attached hereto, and made a part hereof, for a more particular description of said right of way; and

WHEREAS, the owner of Property Identification Number 20436 has requested in writing that a portion of the right-of-way be vacated adjacent to the property identified as Property Identification Number 20436, also known as 467 West Main Street, to eliminate an encroachment of the private sidewalk and private landscaping into the city right-of-way; and

WHEREAS, the owner of Property Identification Number 20436 has agreed to pay the cost of the application fee and public hearing advertisement cost and to consolidate said portion of right-of-way into the adjacent parcel number 20436 by a separate plat recorded in the Clerk's Office of the Circuit Court of the City of Danville, Virginia within one (1) year of the date this ordinance of vacation is executed; and

WHEREAS, the City has agreed to vacate the aforementioned right-of-way at no cost other than the application fee and public hearing advertisement cost, but if the said portion of right-of-way is not consolidated into the adjacent Parcel Identification Number 20436 by a separate plat recorded in the Clerk's Office of the Circuit Court of the City of Danville,

Virginia by the property owner within one (1) year of the date this ordinance of vacation is executed, such portion of right-of-way shall automatically revert back to right-of-way; and

WHEREAS, it appears to the City Council that due notice of the aforesaid vacation has been given as required by law, and that such vacation would be in the best public interest.

NOW THEREFORE, BE IT ORDAINED, by the Council of the City of Danville, Virginia, that a portion of the public right-of-way located adjacent to Property Identification Number 20436, also known as 467 West Main Street, containing 952 square feet, more or less, as shown on Exhibit "A" and described in Exhibit "B", copies of which are attached hereto, and made a part hereof, for a more particular description of said right-of-way, is hereby vacated and abandoned to the abutting property owner at Parcel Identification Number 20436 at no cost other than the application fee and public hearing advertisement cost, but if the said portion of right-of-way is not consolidated into the adjacent Parcel Identification Number 20436 by a separate plat recorded in the Clerk's Office of the Circuit Court of the City of Danville, Virginia by the property owner within one (1) year of the date this ordinance of vacation is executed, such portion of right-of-way shall automatically revert back to right-of-way ; and

BE IT FURTHER ORDAINED, that the Council of the City of Danville, Virginia, hereby authorizes and directs the City Manager to execute on behalf of the City any required deeds and agreements related thereto; and

BE IT FINALLY ORDAINED, that a certified copy of this Ordinance and Exhibits "A" and "B" be recorded and indexed in the Deed book at the Clerk's Office of the Circuit Court of the City of Danville, Virginia.

APPROVED:

Mayor

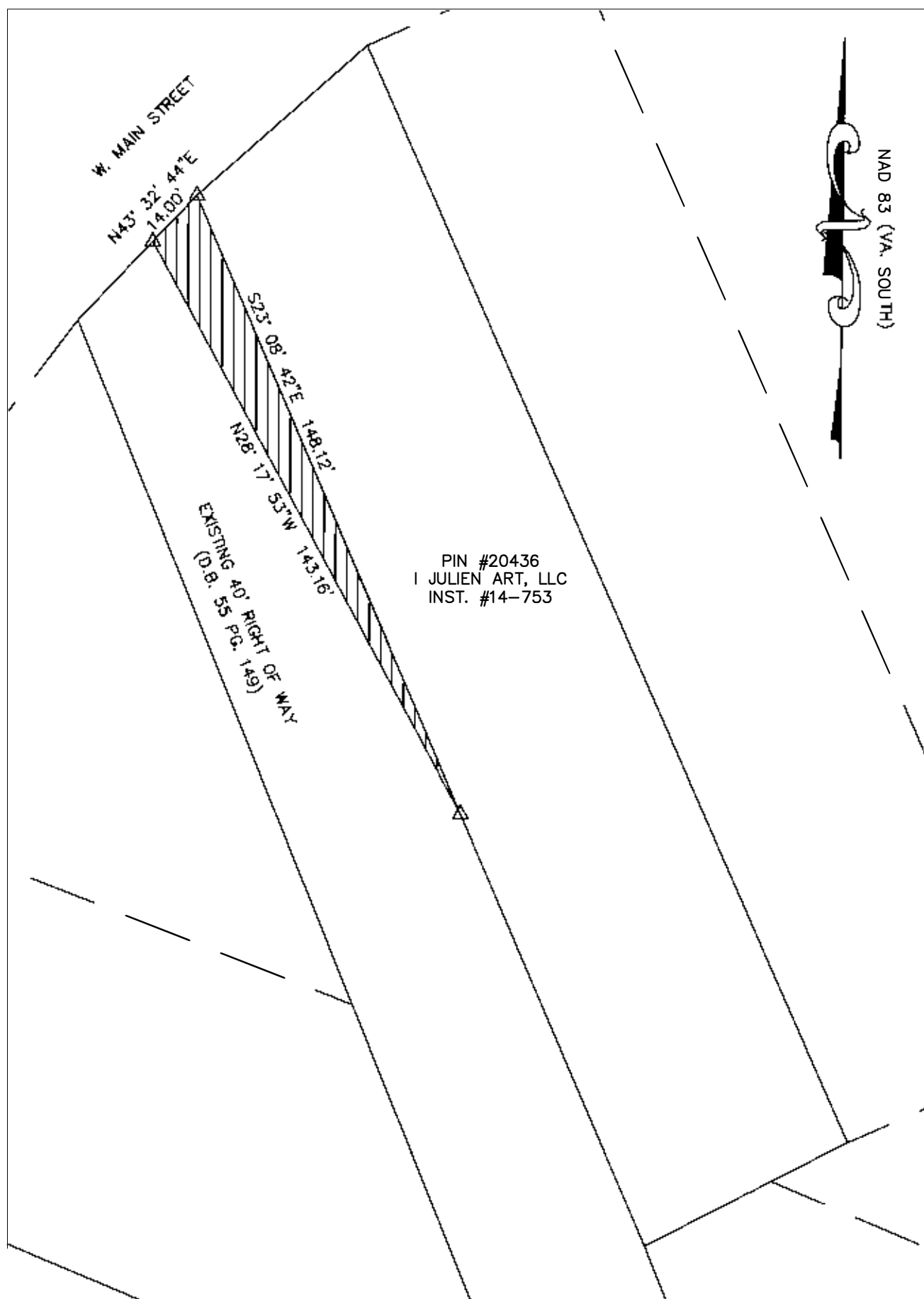
ATTEST:

Clerk

Approved as to
Form and Legal Sufficiency:

Assistzant City Attorney

EXHIBIT A
SHADED AREA DENOTES RIGHT-OF-WAY TO BE VACATED (952 SF)



SCALE= 1" TO 30'

Exhibit B

Beginning at a point in the southerly right of way of West Main Street and the northwest corner of parcel identification number 20436 and located at 467 West Main Street; now or formerly owned by I Julien Art, LLC:

THENCE South 23°08'42" East, 148.12 feet to a point westerly line of said parcel;

THENCE North 28°17'53" West, 143.16 feet to a point in the southerly right of way of West Main Street;

THENCE North 43°32'44" East, 14.00 feet to the point and place of beginning;

Containing 952 square feet, more or less as shown on the attached exhibit "A".

Being that portion of an existing forty foot right of way as shown on that "Map Of Building Lots" performed by T.M. Bass, dated March 22, 1899, and recorded at Deed Book 55, Page 149 in the circuit court of the City of Danville.

Council Letter

City of Danville, Virginia



CL-2667

New Business C.

City Council Regular Meeting

Meeting Date: 01/04/2022

Subject: Vacate Right-of-Way Request - Old US 29 Highway

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

COUNCIL ACTION

Business Meeting: 01/04/2022

SUMMARY

The property owner of Property Identification Number 75360, also known as 200 Old US 29 Highway, is requesting that City Council vacate approximately 0.464 acres of unused city right-of-way adjacent to this property.

BACKGROUND

Hi & Dri Storage, LLC owns both Property Identification Numbers 75360 and 77565 and is requesting that an unused city right-of-way between these properties be vacated to Hi & Dri Storage so that all can be consolidated and developed. All applicable city departments have reviewed the request and no concerns were indicated.

RECOMMENDATION

It is recommended that City Council adopt the accompanying Ordinance vacating approximately 0.464 acres of unused city right-of-way located adjacent to Parcel Identification Number 75360, also known as 200 Old US 29 Highway.

Attachments

Ordinance

Exhibit A

PRESENTED: _____

ADOPTED: _____

ORDINANCE NO. 2022-____.____

AN ORDINANCE VACATING APPROXIMATELY 0.464 ACRES OF
PUBLIC RIGHT-OF-WAY ADJACENT TO 200 OLD US 29 HIGHWAY.

WHEREAS, pursuant to Sections 15.2-2006 and 15.2-2008 of the Code of Virginia, 1950, as amended, the governing body intends to move to vacate a portion of the public right-of-way containing 0.464 acres, more or less, to the abutting property owner at Property Identification Number 75360, also known as 200 Old US 29 Highway, at no cost other than the application fee and public hearing advertisement cost, as shown on Exhibit "A" and described by Exhibit "B", copies of which are attached hereto, and made a part hereof, for a more particular description of said right of way; and

WHEREAS, the owner of Property Identification Number 75360 has requested in writing that the unused right-of-way in between Property Identification Number 75360 and Property Identification Number 77565, both of which are owned by Hi & Dri Storage, LLC be vacated for the purpose of consolidation and development; and

WHEREAS, the owner of Property Identification Number 75360 has agreed to pay the cost of the application fee and public hearing advertisement cost and to consolidate said portion of right-of-way into the adjacent Property Identification Number 75360 and Property Identification Number 77565, by a separate plat recorded in the Clerk's Office of the Circuit Court of the City of Danville, Virginia within one (1) year of the date this ordinance of vacation is executed; and

WHEREAS, the City has agreed to vacate the aforementioned right-of-way at no cost other than the application fee and public hearing advertisement cost, but if the said portion of right-of-way is not consolidated into the adjacent Property Identification Number 75360 and Property Identification Number 77565, by a separate plat recorded in the Clerk's

Office of the Circuit Court of the City of Danville, Virginia by the property owner within one (1) year of the date this ordinance of vacation is executed, such portion of right-of-way shall automatically revert back to right-of-way; and

WHEREAS, it appears to the City Council that due notice of the aforesaid vacation has been given as required by law, and that such vacation would be in the best public interest.

NOW THEREFORE, BE IT ORDAINED, by the Council of the City of Danville, Virginia, that a portion of the public right-of-way located adjacent to Property Identification Number 75360, also known as 200 Old US 29 Highway, 0.464 acres, more or less, as shown on Exhibit "A" and described in Exhibit "B", copies of which are attached hereto, and made a part hereof, for a more particular description of said right-of-way, is hereby vacated and abandoned to the abutting property owner at Parcel Identification Number 75360 at no cost other than the application fee and public hearing advertisement cost, but if the said portion of right-of-way is not consolidated into the adjacent Property Identification Number 75360 and Property Identification Number 77565 by a separate plat recorded in the Clerk's Office of the Circuit Court of the City of Danville, Virginia by the property owner within one (1) year of the date this ordinance of vacation is executed, such portion of right-of-way shall automatically revert back to right-of-way ; and

BE IT FURTHER ORDAINED, that the Council of the City of Danville, Virginia, hereby authorizes and directs the City Manager to execute on behalf of the City any required deeds and agreements related thereto; and

BE IT FINALLY ORDAINED, that a certified copy of this Ordinance and Exhibit "B" be recorded and indexed in the Deed book at the Clerk's Office of the Circuit Court of the City of Danville, Virginia.

APPROVED:

Mayor

ATTEST:

Clerk

Approved as to
Form and Legal Sufficiency:

City Attorney

Exhibit "B"

BEGINNING AT A 1/2" REBAR FOUND ON THE WESTERLY RIGHT-OF-WAY LINE OF STATE ROUTE 1156, WHICH LIES 336.98' SOUTH OF THE INTERSECTION OF SAID STATE ROUTE 1156 AND QUARRY ACCESS ROAD; THENCE PROCEEDING WITH THE SAID RIGHT-OF-WAY OF STATE ROUTE 1156, S17°05'22"E 117.97' TO A 1/2" REBAR FOUND; THENCE LEAVING SAID RIGHT-OF-WAY AND PROCEEDING WITH THE LINE OF TRACT 1, HI AND DRI STORAGE, LLC ALONG A CURVE TO THE LEFT, A CHORD BEARING AND DISTANCE OF N72°17'16"W 332.65', A RADIUS OF 297.40', AN ARC LENGTH OF 353.01 AND A DELTA ANGLE OF 68°00'35" TO A 1/2" REBAR FOUND, S 73°42'29" W 8.50' TO THE INTERSECTION WITH THE EASTERLY RIGHT-OF-WAY OF NORFOLK SOUTHERN RAILROAD, THENCE LEAVING THE LINE OF TRACT 1, HI AND DRI STORAGE, LLC AND PROCEEDING WITH THE SAID EASTERLY RIGHT-OF-WAY OF NORFOLK SOUTHERN RAILROAD N 16°54'56" W 60.00' TO A 1/2" REBAR FOUND AT THE CORNER WITH THE PROPERTY OF TRACT 2 HI & DRI STORAGE LLC; THENCE LEAVING SAID EASTERLY RIGHT-OF-WAY OF NORFOLK SOUTHERN RAILROAD AND PROCEEDING WITH THE SAID TRACT 2 HI & DRI STORAGE LLC N 73°42'29" E (BEARING REVERSED) 9.15' TO A 1/2" REBAR FOUND NEAR A PHONE PEDESTAL; THENCE PROCEEDING ALONG A CURVE TO THE RIGHT, A CHORD BEARING AND DISTANCE OF S 81°14'58" E 302.57', A RADIUS OF 357.40', AN ARC LENGTH OF 312.42' AND A DELTA ANGLE OF 50°05'07" TO THE POINT AND PLACE OF BEGINNING AND CONTAINING 0.464 ACRES AS SHOWN AS PLAT BY RICHARD B. ARMSTRONG, JR. TITLED "PLAT SHOWING CONSOLIDATION AND VACATION OF RIGHT-OF-WAY FOR HI & DRI STORAGE, LLC, CITY OF DANVILLE, VA AND DATED JUNE 7, 2021.

1. THIS PLAT HAS BEEN PREPARED FROM AN ACTUAL FIELD SURVEY AS PER DATE OF THIS PLAT AND THERE ARE NO READILY APPARENT EASEMENTS OR ENCROACHMENTS EXCEPT AS SHOWN.
2. THIS PLAT HAS BEEN PREPARED WITHOUT THE BENEFIT OF A TITLE REPORT AND THEREFORE, DOES NOT NECESSARILY SHOW ALL ENCUMBRANCES ON THE PROPERTY.
3. THE AREA SHOWN HEREON IS NOT LOCATED IN A 100 YEAR FLOOD HAZARD ZONE PER FEMA FLOOD MAP 51143C0637E EFFECTIVE 09-29-2010.
4. THIS SURVEY DOES NOT ADDRESS THE EXISTENCE, DETECTION, OR DELINEATION OF ANY ENVIRONMENTALLY SENSITIVE AREAS OR ANY ENVIRONMENTAL PROBLEMS LOCATED ON THE SURVEYED PREMISES.

CURVE	DELTA ANGLE	RADIUS	ARC LENGTH	CHORD BEARING	CHORD LENGTH
C1	29°33'00"	326.97'	168.63'	N 87°47'20" E	166.77'
C2	50°05'07"	357.40'	312.42'	N 81°14'58" W	302.57'
C3	68°00'35"	297.40'	353.01'	N 72°17'16" W	332.65'
C4	50°50'49"	302.57'	268.52'	N 12°45'42" W	259.79'

LINE	BEARING	DISTANCE
L1	S 73°42'29" W	9.15'
L2	S 73°42'29" W	8.50'

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

REPRESENTATIVE OF THE CITY OF DANVILLE

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

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

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

NOTARY PUBLIC

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

REPRESENTATIVE OF HI & DRI STORAGE LLC.

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

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

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

NOTARY PUBLIC

CITY OF DANVILLE SURVEYORS CERTIFICATE (SUBDIVISIONS):

SURVEYORS CERTIFICATE:
I HEREBY CERTIFY THAT TO THE BEST OF MY KNOWLEDGE AND BELIEF, ALL OF THE REQUIREMENTS OF THE PLANNING COMMISSION AND CITY COUNCIL, AND ORDINANCES OF THE CITY OF DANVILLE, VIRGINIA, REGARDING THE PLATTING OF SUBDIVISIONS, DIVISIONS WITHIN THE CITY HAVE BEEN COMPLIED WITH GIVEN UNDER MY HAND THIS 7th DAY OF JUNE, 2021.

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

CITY APPROVAL CERTIFICATION:

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

CITY ENGINEER

ZONING ADMINISTRATOR

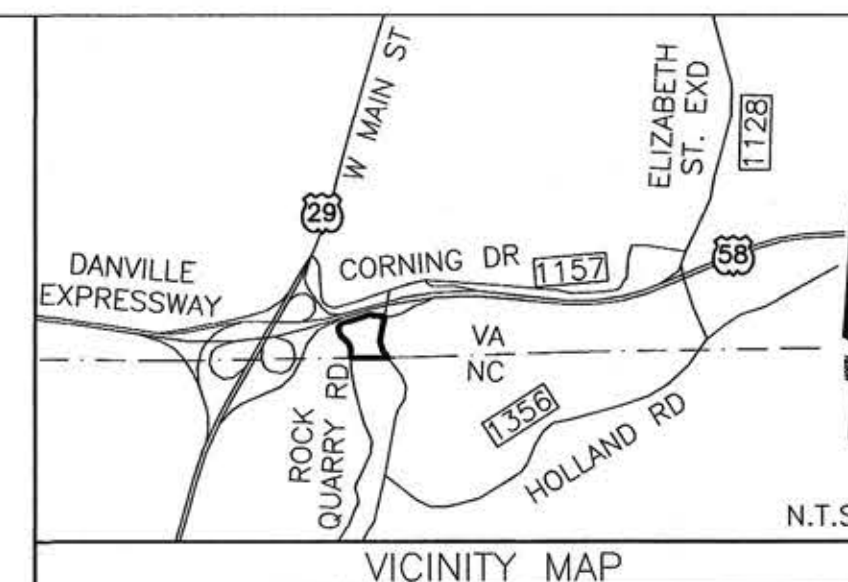
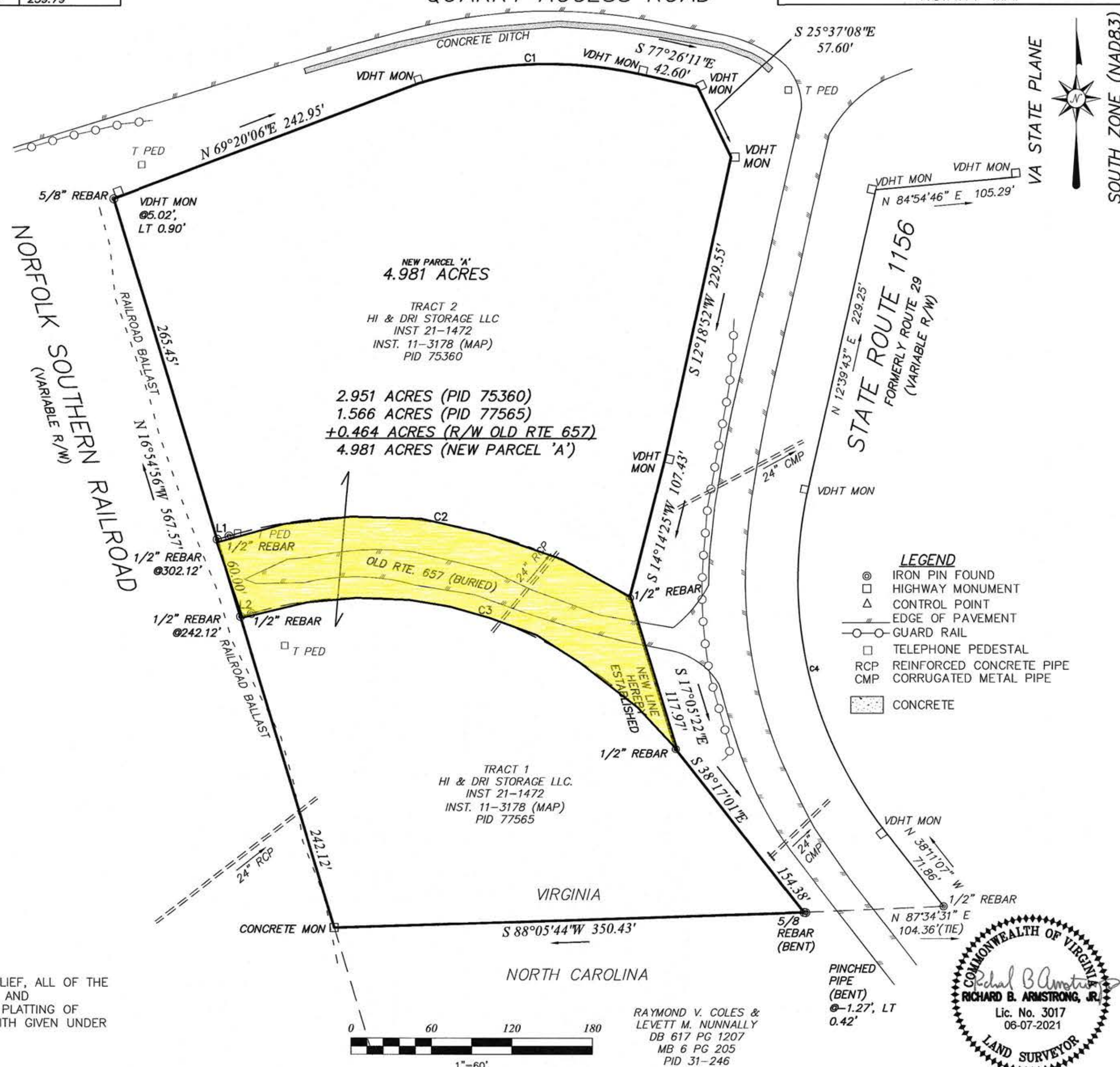


EXHIBIT A

QUARRY ACCESS ROAD



105 NORTH MAIN ST.
GRETNA, VA 24537
434-656-1051

ARMSTRONG & ASSOCIATES
SURVEYING, PLANNING, DEVELOPMENT

PLAT SHOWING
CONSOLIDATION AND VACATION OF RIGHT OF WAY FOR
HI & DRI STORAGE LLC.
CITY OF DANVILLE, VIRGINIA

PROJECT#: 210077

DATE: 06-07-2021

DRAWN BY: BT/MG

SHEET 1 OF 1

Council Letter

City of Danville, Virginia



CL-2671

New Business D.

City Council Regular Meeting

Meeting Date: 01/04/2022

Subject: Fiscal Year 2021-22 Community Development Lead Grant

From: Kenneth C. Gillie, Jr., Community Development Director

COUNCIL ACTION

First Reading: 01/04/2022

Final Adoption 01/18/2022

SUMMARY

The City of Danville has received a Housing and Urban Development (HUD) Lead Hazard Reduction Grant in the amount of \$1,234,769 and an accompanying Healthy Homes Grant in the amount of \$400,000. The City will match this grant with \$145,231 in unspent HUD CDBG funds.

BACKGROUND

The City applied for a Lead Hazard Reduction Grant from the Department of Housing and Urban Development. This grant is to be used to help address lead hazards in homes constructed prior to the outlaw of lead in interior products in 1978. Since the City of Danville has many homes constructed prior to this date, it qualified to apply.

The funding received will be used to assess up to 100 homes for lead hazards, and remediate an anticipated 83 homes during the grant period. This is anticipated to be the first phase of grants issued by HUD to address lead issues.

RECOMMENDATION

It is recommended that City Council approve the attached Ordinance amending the Fiscal Year 2022 Budget Appropriation Ordinance by increasing revenues to anticipate the receipt of the grant funds from the Department of Housing and Urban Development in the amount of \$1,234,769, from Healthy Homes in the amount of \$400,000, and a local match of \$145,231 from unspent HUD CDBG funds.

Attachments

Ordinance

Grant Agreement

PRESENTED: _____

ADOPTED: _____

ORDINANCE NO. 2021-____.____

AN ORDINANCE AMENDING THE FISCAL YEAR 2022 BUDGET APPROPRIATION ORDINANCE TO PROVIDE FOR GRANTS FROM THE U.S. DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT OFFICE OF LEAD HAZARD CONTROL AND HEALTHY HOMES IN AN AGGREGATE AMOUNT OF \$1,634,769, AND A LOCAL SHARE IN THE AMOUNT OF \$145,231 TO BE PROVIDED BY UNSPENT CDBG FUNDS, FOR A TOTAL APPROPRIATION OF \$1,780,000 AND APPROPRIATING THE SAME.

WHEREAS, the City of Danville has received notification from the U.S. Department of Housing and Urban Development, Office of Lead Hazard Control and Healthy Homes of the award of a Lead Hazard Reduction grant in the amount of \$1,234,769 and an accompanying Healthy Homes grant in the amount of \$400,000; and

WHEREAS, the local share in the amount of \$145,231 will be provided by unspent CDBG funds; and

WHEREAS, the funds will be used to help assess and remediate lead hazards in homes constructed prior to 1978.

NOW THEREFORE, BE IT ORDAINED, by the Council of the City of Danville, Virginia, that the Fiscal Year 2022 Budget Appropriation Ordinance be, and is hereby, amended by increasing revenues from a Lead Hazard Reduction grant in the amount of \$1,234,769, and an accompanying Healthy Homes grant in the amount of \$400,000 each from the U.S. Department of Housing and Urban Development, Office of Lead Hazard Control and Healthy Homes, and the local share for said grants in an amount of \$145,231 to be provided by unspent CDBG funds, for an aggregate amount of \$1,780,000, such funds to be appropriated as follows:

ANTICIPATED REVENUES

<u>Description</u>	<u>Account No.</u>	<u>Amount</u>
Community Development Fund Lead Hazard Grant:		
Fed Grant - HUD	61730000-48057	\$1,234,769
Healthy Homes Grant:		
Federal Aid Grant	61732000-48055	\$ 400,000
	TOTAL	<u>\$1,634,769</u>

ANTICIPATED EXPENDITURES

<u>Description</u>	<u>Account No.</u>	<u>Amount</u>
Community Development Fund Lead Hazard Grant	61730999-50	\$1,234,769
Healthy Homes Grant	61732999-50	\$ 400,000
	TOTAL	<u>\$1,634,769</u>

AND BE IT FURTHER ORDAINED, a transfer from unspent CDBG
Entitlement funds and appropriation is hereby authorized to cover the local share as follows:

TRANSFER FROM

<u>Description</u>	<u>Account No.</u>	<u>Amount</u>
FY16 CDBG Revenues		
Federal Aid Community Block	61211000-48025	\$145,231
FY16 Upper Street Apartments	61199999-50	<u>\$145,231</u>

TRANSFER TO

<u>Description</u>	<u>Account No.</u>	<u>Amount</u>
FY16 CDBG Lead Grant Match		
Federal Aid Community Block	61733000-48025	\$145,231
FY16 CDBG Lead Grant Match	61733999-50	<u>\$145,231</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 budget amount; and

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

APPROVED:

Mayor

ATTEST:

Clerk

Approved as to
Form and Legal Sufficiency:

City Attorney

Assistance Award/Amendment

U.S. Department of Housing and
Urban Development
Office of Administration

1. Assistance Instrument ☐ Cooperative Agreement ☒ Grant		2. Type of Action ☒ Award ☐ Amendment	
3. Instrument Number VALHB0770-21	4. Amendment Number	5. Effective Date of this Action See Block #20	6. Control Number
7. Name and Address of Recipient City of Danville 427 Patton St. Suite 211 Danville VA, 21541-1215		8. HUD Administering Office HUD, Office of Lead Hazard Control and Healthy Homes 451 Seventh Street, SW Room 8236 Washington, DC 20410	
10. Recipient Project Manager Kenneth Gillie, gillike@danvilleva.gov, 434-799-5260		8a. Name of Administrator Robert Houston	8b. Telephone Number 202-402-5056
11. Assistance Arrangement ☒ Cost Reimbursement ☐ Cost Sharing ☐ Fixed Price		9. HUD Government Technical Representative Eileen Carroll, Eileen.B.Carroll@hud.gov , 678-732-2949	
12. Payment Method ☐ Treasury Check Reimbursement ☐ Advance Check ☒ Automated Clearinghouse		13. HUD Payment Office U.S. Dept. of HUD CFO Accounting Center, 6AF 801 Cherry St., Unit #45 Ste. 2500 Fort Worth, TX 76102	
14. Assistance Amount Previous HUD Amount \$ 0.00 HUD Amount this action \$ 1,780,000.00 Total HUD Amount \$ 1,780,000.00 Recipient Amount \$145,231.09 Total Instrument Amount \$ 1,525,231.09		15. HUD Accounting and Appropriation Data 8620/220174 - 20LRH/LRLHR - \$ 1,379,999.54 8620/220174 - 20LRHH/LRHHI - \$ 400,000.00 8621/230174 - 21LRH/LRLHR - \$ 0.46.00 Amount Previously Obligated \$ 0.00 Obligation by this action \$ 1,780,000.00 Total Obligation \$ 1,780,000.00	

16. Description

Employer Identification: 54-6001243

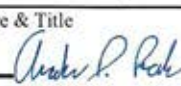
DUNS: 0660082510000

Program: LHB/HHO/LR1

This instrument sets forth the agreement between the parties as to all terms and conditions and provisions herein. By signing this award document, the Grantee certifies that it is in compliance with all administrative and financial provisions of this award. This grant instrument consists of the following, some of which are incorporated by reference:

- Cover Page, HUD 1044
- FY 2021 Terms and Conditions
- Statement of Work/Work Plan/Benchmark Standards
- Grantee's financial and technical proposal
- Mutually agreed and negotiated proposal changes
- Abstract of grant activities
- Lead Hazard Control Program Policy Guidance Issuances "PGI-2015-01- Clarification of Costs for LHRD and LBPHC Grant Programs"
- TITLE 2: GRANTS AND AGREEMENTS - PART 200—UNIFORM ADMINISTRATIVE REQUIREMENTS, COST PRINCIPLES, AND AUDIT REQUIREMENTS FOR FEDERAL AWARDS <http://www.ecfr.gov/cgi-bin/text-idx?node=2:1.1.2.2.1>
- Notice of Grant Opportunity announced in GRANTS.GOV FR-6500-N-13 Posted date: 07/12/2021

Period of Performance: 42 months – November 15, 2021 - May 14, 2025

17. ☒ Recipient is required to sign and return three (3) copies of this document to the HUD Administering Office		18. ☐ Recipient is not required to sign this document.	
19. Recipient (By Name)		20. HUD (By Name) Andrew D. Parker, Grants Officer	
Signature & Title 	Date (mm/dd/yyyy) 11/1/2021	Signature & Title 	Date (mm/dd/yyyy) 08/20/2021

Digitally signed by Andrew D. Parker
DN: cn = Andrew D. Parker email =
Andrew.D.Parker@hud.gov c = AD O =
U.S. Department of Housing and Urban
Development CN = OAS/USGPH
Date: 2021.08.20 13:36:18 -0400

form HUD-1044 (8/90)

Council Letter

City of Danville, Virginia



CL-2668

New Business E.

City Council Regular Meeting

Meeting Date: 01/04/2022

Subject: Virginia Department of Transportation - State of Good Repair Program Funds

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

COUNCIL ACTION

First Reading 01/04/2022

Final Adoption 01/18/2022

SUMMARY

The Commonwealth Transportation Board and the Virginia Department of Transportation have approved State of Good Repair Program funds in the amount of \$1,493,498 for the following projects:

- UPC 118113 - South Boston Road WBL from Airport Drive to 0.215 Mile East of Ringgold Road \$970,316
- UPC 118114 - Riverside Drive EBL from 0.060 mile west of Westover Drive to 0.940 mile east of Westover Drive \$523,182

BACKGROUND

In December 2019, the City of Danville submitted Fiscal Year 2021 State of Good Repair program applications to the Virginia Department of Transportation (VDOT) for two eligible projects. VDOT's State of Good Repair program provides localities with a funding source for resurfacing on certain identified deteriorated pavement segments of primary streets.

RECOMMENDATION

It is recommended that City Council adopt the accompanying Ordinance, amending the Fiscal Year 2022 Budget Appropriation Ordinance, to appropriate State of Good Repair Program funds from the Virginia Department of Transportation in the amount of \$1,493,498.

Attachments

Ordinance

PRESENTED: _____

ADOPTED: _____

ORDINANCE NO. 2022-____.____

AN ORDINANCE AMENDING THE FISCAL YEAR 2022 BUDGET APPROPRIATION ORDINANCE FOR ROADWAY MAINTENANCE PROJECTS TO BE UNDERTAKEN WITHIN THE CITY AND TO BE FINANCED ANTICIPATING REVENUES FROM VIRGINIA DEPARTMENT OF TRANSPORTATION (VDOT) STATE OF GOOD REPAIR / PRIMARY EXTENSION FUNDS IN THE AMOUNT OF \$1,493,498.

WHEREAS, the City of Danville requested VDOT to allocate State of Good Repair / Primary Extension program funds for resurfacing specific segments South Boston Road and Riverside Drive; and

WHEREAS, the City of Danville has received notification from the Commonwealth Transportation Board of total allocations in the amount of \$1,493,498 from the VDOT Fiscal Year 2021 State of Good Repair / Primary Extension program; and

WHEREAS, these funds will be appropriated for use in Fiscal Year 2022.

NOW THEREFORE, BE IT ORDAINED, by the Council of the City of Danville, Virginia, that the Fiscal Year 2022 Budget Appropriation Ordinance be, and is hereby amended by using anticipated revenues from the Virginia Department of Transportation in the amount of \$1,493,498 from State of Good Repair / Primary Extension program funds, such funds to be appropriated as follows:

ANTICIPATED REVENUES

<u>Description</u>	<u>Account No.</u>	<u>Amount</u>
VDOT SGR – South Boston Rd. WBL UPC 118113	61734000-47415	\$970,316
VDOT SGR – Riverside Dr. EBL UPC 118114	61735000-47415	<u>\$523,182</u>
	TOTAL	<u>\$1,493,498</u>

ANTICIPATED EXPENDITURES

<u>Description</u>	<u>Account No.</u>	<u>Amount</u>
VDOT SGR – South Boston Rd. WBL UPC 118113	61734999-50	\$970,316
VDOT SGR – Riverside Dr. EBL UPC 118114	61735999-50	<u>\$523,182</u>
	TOTAL	<u>\$1,493,498</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 FINALLY ORDAINED, that all other accounts and provisions of the Fiscal Year 2022 Budget Appropriation Ordinance as amended, not hereby amended, shall continue in full force and effect unless and until hereafter further amended or repealed.

APPROVED:

Mayor

ATTEST:

Clerk

Approved as to
Form and Legal Sufficiency:

City Attorney