



DANVILLE CITY COUNCIL REGULAR MEETING AGENDA

MUNICIPAL BUILDING

September 19, 2023

7:00 PM

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, who have signed up to speak, 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, and shall have three uninterrupted minutes. A representative of a group may have up to five uninterrupted minutes to make a presentation. The representative shall identify the group and a group may have no more than one spokesperson. Time will be kept using the electronic timer on the podium.

Guidelines for Public Hearings

For Public Hearings the applicant or his or her representative shall be the first speaker(s). There shall be a time limit of ten (10) minutes for the applicant's or his or her representative's presentation. The presiding officer shall then solicit comments from the public, asking those in favor of the proposal to speak first, and then those opposed to the proposal. Each speaker must clearly state his or her name and address. There shall be a time limit of three (3) minutes for each individual speaker. If the speaker represents a group, there shall be a time limit of five (5) minutes. A speaker representing a group shall identify the group at the beginning of his or her remarks. A group may have no more than one spokesperson. The presiding officer may limit or preclude comment which is repetitive, redundant, cumulative, or irrelevant to the subject of the public hearing. After public comments have been received, in a land use case, the applicant or the representative of the applicant, at his or her discretion, may respond with a rebuttal. There shall be a five (5) minute time limit for rebuttal.

MEETING CALLED TO ORDER

ROLL CALL

INVOCATION - J. LEE VOGLER, JR.

PLEDGE OF ALLEGIANCE TO THE FLAG

ANNOUNCEMENTS AND SPECIAL RECOGNITION

- A. Proclamation: Crop Walk Week
Presented to: Sheri Tuck
- Presentation: VALOR Award Recipients
Presented by: Danville Police Department

MEETING MINUTES

- A. Consideration of Approval of Minutes from Regular Council Meeting held on August 15, 2023.
Council Letter Number CL - 807.

NEW BUSINESS

- A. Review of General Fund Financials as of August 31, 2023.
Council Letter Number CL - 696.
A brief presentation will be given on the General Fund financial results through August 31, 2023. Financial Statements are included.
- B. Consideration of a Resolution of Official Intent to Reimburse Expenditures with Proceeds of a Borrowing.
Council Letter Number CL - 813.
Resolution of Official Intent to Reimburse Expenditures with Proceeds of a Borrowing.
- C. Consideration of a Resolution Authorizing an Amendment to City Enterprise Zone # 1.
Council Letter Number CL - 793.
1. Public Hearing
 2. A Resolution Authorizing the City Manager to Submit to the Virginia Department of Housing and Community Development an Enterprise Zone Amendment Application for the City Enterprise Zone 1.
- D. Consideration of Resolutions of Support for Virginia Department of Transportation Revenue Sharing Applications.
Council Letter Number CL - 794.
1. A Resolution of the City Council of the City of Danville, Virginia Endorsing a Virginia Department of Transportation Revenue Sharing Application for Funding for Richmond Boulevard Pedestrian Access Project.
 2. A Resolution of the City Council of the City of Danville, Virginia Endorsing a Virginia Department of Transportation Revenue Sharing Application for Funding for Replacement

of Structure 1816 on Riverside Drive over Apple Branch.

3. A Resolution of the City Council of the City of Danville, Virginia Endorsing a Virginia Department of Transportation Revenue Sharing Application for Funding for Broadnax Street and Betts Street Improvement Project.

- E. Consideration of Amending the Fiscal Year 2024 Budget Appropriation Ordinance for Federal and State Aviation Capital Funding.

Council Letter Number CL - 806.

An Ordinance Amending the Fiscal Year 2024 Budget Appropriation Ordinance to Provide for Federal and State Aviation Capital Grant Funding to Complete the Rehabilitation of the South Ramp at the Danville Regional Airport Plus Additional State Aviation Funding Related to the Replacement of the Terminal Building Roof in the Amount of \$3,753,439 and for the Local Share in the Amount of \$116,939 to be Provided by a Transfer from the General Fund Support of Special Grants Fund and Appropriating the Same.

FIRST READING

- F. Consideration of Amending the Fiscal Year 2024 Budget Appropriation Ordinance for Older Americans Act Grant Funding in the Amount of \$476,635.

Council Letter Number CL - 761.

An Ordinance Amending the Fiscal Year 2024 Budget Appropriation Ordinance by Increasing Certain Revenues to Provide for Title III-B Grant Funds and Local Share for Senior Citizen Transportation Services and Appropriating the Same.

FIRST READING

- G. Consideration of Amending the Fiscal Year 2024 Budget Appropriation Ordinance for Airport Maintenance Program in the Amount of \$50,000.

Council Letter Number CL - 763.

An Ordinance Amending the Fiscal Year 2024 Budget Appropriation Ordinance to Provide for State Department of Aviation Maintenance Grant Funds Related to the Maintenance of Certain Airport Properties in the Amount of \$40,000 and for the Local Share in the Amount of \$10,000 for a Total Appropriation of \$50,000 and Appropriating the Same.

FIRST READING

- H. Consideration of Canceling the October 3, 2023 City Council Meeting.

Council Letter Number CL - 846.

Resolution Canceling the Regular Meeting of Danville City Council Scheduled for Tuesday, October 3, 2023, and Scheduling a Special Meeting of City Council on Thursday, October 5, 2023.

- I. Consideration of Amending Danville City Code Sections 23-7 and 23-8 Related to Solicitation.

Council Letter Number CL - 835.

An Ordinance Repealing and Reordaining in its Entirety Section 7, Entitled "Prohibition Against Certain Forms of Aggressive Solicitation" and Section 8, Entitled "Solicitation on Center Median or Side of Street Prohibited" of Chapter 23, Entitled "Offenses - Miscellaneous", of the Code of the City of Danville, Virginia, 1986, As Amended.

- J. Consideration of Approving a Policy on Collective Bargaining.

Council Letter Number CL - 817.

A Resolution of the City of Danville, Virginia Regarding City Employee-Management Relations And Collective Bargaining.

COMMUNICATIONS FROM VISITORS

Communication from Visitors is an opportunity for citizens, who have signed up to speak, 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 three uninterrupted minutes. A representative of a group may have up to five 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.

COMMUNICATIONS

A. City Manager

B. Deputy City Manager

C. City Attorney

D. City Clerk

E. Roll Call

ADJOURNMENT

Council Letter

City of Danville, Virginia



CL - 807

MEETING MINUTES A.

City Council REGULAR MEETING

Meeting Date: September 19, 2023

Subject:

From: Susan DeMasi, City Clerk

COUNCIL ACTION

Attachments

1. Meeting Minutes
-

August 15, 2023

The Second August meeting of the Danville City Council was held on August 15, 2023, at 7:00 p.m. in the Council Chambers located on the Fourth Floor of the Municipal Building. The following Council Members were present: James B. Buckner, L.G. "Larry" Campbell Jr., Bryant Hood, Mayor Alonzo L. Jones, Barry Mayo, Vice Mayor Gary P. Miller, J. Lee Vogler, Jr., and Madison J.R. Whittle (8). Sherman M. Saunders was absent (1). *Mr. Vogler entered the meeting at 7:04 p.m.*

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

INVOCATION

Council Member James Buckner gave the Invocation, followed by the Pledge of Allegiance.

CONSENT AGENDA

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

Approval of Minutes from Regular Council Meeting held on July 18, 2023. Draft copies of the minutes had been distributed prior to the meeting.

Amending the Fiscal Year 2024 Budget Appropriation Ordinance for Utility Revenue Bonds

An Ordinance entitled, Ordinance No. 2023-08.10, an Ordinance Amending the Fiscal Year 2024 Budget Appropriation Ordinance to Provide for the Proceeds from the Sale of Utility Revenue Bonds and Appropriating Same.

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

VOTE: 7-0-2
AYE: Buckner, Campbell, Hood, Jones, Mayo,
Miller, and Whittle (7)
NAY: Saunders, Vogler (2)

APPOINTMENTS

Vice Mayor Miller made the following recommendations for appointments to City Boards and Commissions, to be voted on at the September 5, 2023 Council meeting:

Commission on Architectural Review:	Reappoint:	Kathryn Waters
	Appoint:	Paul Liepe
Community Improvement Council:	Reappoint:	Janet Gwynn and Kacey Cunningham
Fair Housing Board:	Appoint:	Michelle Vaden, Jasmine Lipscomb Takessa Walker Pierre Jones

NEW BUSINESS

GENERAL FUND FINANCIAL REPORT AS OF JUNE 30, 2023

Chief Financial Officer Michael Adkins noted this was a preliminary report on the Fiscal Year 2023 results; staff was still making adjustments, but at this point, he felt that all material adjustments have been made, and does not expect any substantial changes to what he was presenting. Mr. Adkins noted the City was adding an additional \$2.8M to the Unassigned Fund Balance for the General Fund. That will increase the Unassigned Fund Balance from \$34.2M to \$37M. The policy for the minimum fund balance was 20% of budgeted revenues or expenses, and the current budget was \$140M; the 20% threshold would require the City to maintain at least \$28M, so the City was about \$9M over that minimum. Mr. Adkins noted the increase in the fund balance was mostly local, consumer driven taxes. Sales tax was \$418,000 over budget, and business licenses were \$942,000 over budget with 543 additional business licenses compared to the prior year. Inflation also contributed to that; business licenses were based on a percentage of gross sales, as the cost of goods went up, so did the cost of the business license. Meals tax was \$385,000 over budget, and interest rates have increased dramatically over the past year and a half resulting in about \$1M more in interest and investment earnings than was budgeted. Real Estate collections were \$300,000 over budget, or 1.6% over the budgeted amount; that was a mixture of property value increases plus added construction. Personal property was \$650,000 over budget; the bulk of that was the collection of delinquent personal property taxes in the amount of \$450,000. There were also about 1,000 new vehicles or motorcycles on the roll this year compared to last year. The only offset was group health insurance which ran over budget this year at about \$1M; it was a mix of inflationary costs and increased utilization; all this together added to the additional \$2.8M in the Unassigned Fund Balance. Casino revenues were not included in the Unassigned Fund Balance; the casino revenues generated a total of \$2.6M in revenues for Fiscal Year 2023 in both direct payments and taxation from the state. That was held in an Assigned Fund Balance; it was assigned so that it can only be used for projects that align with the Investing in Danville initiative. Fiscal Year 2024 reported July sales tax was \$965,000 for May retail activity, and for June, they received \$1.1M in sales tax; both of those were record setting, the City has never received that much for May and June retail activity. Meals tax was performing well with \$1.1M in July; that puts the City ahead of budget for the first month, collecting 10% of the budget. Lodging taxes collected for July were \$290,000, or 12% of budget at the end of the first month.

Mayor Jones thanked Mr. Adkins for his report and noted the Unassigned Balance was a rainy-day fund and the City was \$9M over in that fund; the City was in great financial status. Mr. Adkins explained they started the year with \$34.2M and added \$2.8M, to get to \$37M; the minimum requirement right now was \$28M. Council Member Campbell asked about the total fund balance of \$54M, and Mr. Adkins explained that was a combination of assigned and unassigned. Council Member Whittle stated there was \$8M for education and Mr. Adkins explained they had not actually spent the funds, but had purchase orders and commitments using Fiscal Year 2023 money. That money has to be held back so it can be used for those obligations, about \$8M in encumbrances for the schools. Mr. Whittle stated the City was still not going to have a cap on what Council allows them to carry over and Mr. Adkins noted their uncommitted money was about \$700,000 this year and the City's budget ordinance stated they can carry over any unspent amount. The 1% sales tax for school capital projects and bonds was completely separate and held in a different fund.

August 15, 2023

CONSIDERATION OF THE VACATION OF AN ELECTRIC UTILITY EASEMENT ON PARCEL NO. 2430-62-3535 IN PITTSYLVANIA COUNTY

Mayor Jones opened the floor for a Public Hearing regarding the Vacation of an Electric Utility Easement. Notice of the Public Hearing was published in the *Danville Register & Bee* on August 8, 2023. No one present desired to be heard and the Public Hearing was closed.

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

RESOLUTION NO. 2023-08.04

A RESOLUTION AUTHORIZING THE ABANDONMENT OF AN UNUSED AND UNNEEDED CITY EASEMENT ACROSS PROPERTY IN PITTSYLVANIA COUNTY.

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

Council Member Whittle asked if this was tied into the other resolutions. Director of Utilities Jason Grey stated that each of the resolutions being voted on were separate vacations. This one was for a residential easement that was changed, and the property owner wanted this to be vacated; it was for new residential construction, there was new underground construction to the house.

The **Motion** was 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 THE VACATION OF TWO ELECTRIC UTILITY EASEMENTS IN PITTSYLVANIA COUNTY

Mayor Jones opened the floor for a Public Hearing regarding the Vacation of Two Electric Utility Easements. Notice of the Public Hearing was published in the *Danville Register & Bee* on August 8, 2023. No one present desired to be heard and the Public Hearing was closed.

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

RESOLUTION NO. 2023-08.05

A RESOLUTION AUTHORIZING THE ABANDONMENT OF TWO UNUSED AND UNNEEDED CITY EASEMENTS ACROSS PROPERTY IN PITTSYLVANIA COUNTY.

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

Mr. Grey explained this easement was for a Dominion Solar Farm in Southwest Pittsylvania County, not in Berry Hill, but near the Virginia/North Carolina border in the Cascade area. Mr. Whittle asked if the City had a transmission line in that area, and Mr. Grey stated that Appalachian Power did. Council Member Vogler questioned if this was the property that bordered the Berry Hill Megasite, but it was not actually the Megasite, and Mr. Grey stated this was a different

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property in southwest Pittsylvania County in Cascade; the one Mr. Vogler was referencing was the next agenda item.

The **Motion** was 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 THE VACATION OF AN ELECTRIC UTILITY EASEMENT ON PARCEL NO. 1376-15-5690 IN PITTSYLVANIA COUNTY

Mayor Jones opened the floor for a Public Hearing regarding the Vacation of an Electric Utility Easement. Notice of the Public Hearing was published in the *Danville Register & Bee* on August 8, 2023. No one present desired to be heard and the Public Hearing was closed.

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

RESOLUTION NO. 2023-08.06

A RESOLUTION AUTHORIZING THE ABANDONMENT OF AN UNUSED AND UNNEEDED CITY EASEMENT ACROSS PROPERTY IN PITTSYLVANIA COUNTY.

The Motion was **seconded** by Council Member Buckner 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 A REVISED DANVILLE-PITTSYLVANIA COUNTY COST AND REVENUE SHARING AGREEMENT

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

RESOLUTION NO. 2023-08.07

A RESOLUTION APPROVING AND AUTHORIZING AN AMENDMENT TO THE REVENUE SHARING AGREEMENT BETWEEN THE CITY OF DANVILLE, VIRGINIA AND THE COUNTY OF PITTSYLVANIA, VIRGINIA RELATING TO THE SHARING OF REVENUE FROM FINANCIAL COMPENSATION GENERATED BY ANY FUTURE SOLAR SITING AGREEMENTS, IN LIEU OF A LOCAL TAX, FOR PROJECTS LOCATED WITHIN A REGIONAL PARK.

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

Council Member Vogler stated with RIFA, any of the projects they do, the costs and revenues were split 50/50 between the City and the County. When RIFA was created, solar was not factored into that equation. This was not changing the agreement, this was to bring solar into it.

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Mr. Larking stated that was correct; the cooperation between the City and the County was that they share costs and revenues 50/50. In this case, this was a new revenue source that was available to local governments, and this would allow, if there would be any kind of solar siting that would occur on RIFA owned property, any revenue generated from such an agreement to be split 50/50 between the City and the County. Director of Economic Development Corrie Bobe added that in some cases, with solar siting, there was an upfront, lump sum fee instead of the payment of taxes. The revenue sharing agreement specified taxes, this adds in if they received any fees as part of the project in lieu of taxes.

The **Motion** was 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)

**BUDGET AMENDMENT - CONSIDERATION OF AMENDING THE FISCAL YEAR 2024
BUDGET APPROPRIATION ORDINANCE FOR THE CREATIVE COMMUNITIES ART GRANT**

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

ORDINANCE NO. 2023-08.11

AN ORDINANCE AMENDING THE FISCAL YEAR 2024 BUDGET APPROPRIATION ORDINANCE TO PROVIDE FOR A VIRGINIA COMMISSION FOR THE ARTS GRANT IN THE AMOUNT OF \$4,500, AND TO PROVIDE FOR THE LOCAL SHARE IN THE AMOUNT OF \$5,000 FOR A TOTAL GRANT OF \$9,500.

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

**BUDGET AMENDMENT - CONSIDERATION OF AMENDING THE FISCAL YEAR 2024
BUDGET APPROPRIATION ORDINANCE FOR AN AVIATION PROMOTION GRANT**

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

ORDINANCE NO. 2023-08.05

AN ORDINANCE AMENDING THE FISCAL YEAR 2024 BUDGET APPROPRIATION ORDINANCE TO PROVIDE FOR A STATE DEPARTMENT OF AVIATION GRANT FOR THE PURPOSE OF PROVIDING FUNDING TO PROMOTE AVIATION AWARENESS AT THE DANVILLE REGIONAL AIRPORT IN THE AMOUNT OF \$5,000 AND FOR THE LOCAL SHARE IN THE AMOUNT OF \$5,000 TO BE PROVIDED BY THE GENERAL FUND SUPPORT OF GRANTS FOR A TOTAL APPROPRIATION OF \$10,000 AND APPROPRIATING SAME.

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

COMMUNICATIONS

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

Vice Mayor Miller stated it was always good to see the Tunstall students in Chambers. Dr. Miller noted Todd Yates gave an excellent presentation at the Institute for the Advanced Manufacturing program that was contracted with the Navy. This program has brought people in from all over the nation and has created opportunities for high paying jobs for students who complete the program. It has also drawn companies in which was a plus for Danville.

Council Member Vogler stated it was an exciting time in the City and region. Tyson Foods was getting closer and closer to being fully open. The work that has been done out there was great and they have already hired a lot of people. Mr. Vogler noted he was looking forward to the ribbon cutting that shouldn't be too far away. Citizens may have seen in the news today the revenue that Caesar's generated for the month of July; huge record-breaking numbers. Seeing that will be an exciting development in the months ahead. He was looking forward to continuing to work with Caesar's as they continue to fulfill the commitments they have made to the community.

Council Member Whittle stated to Vice Mayor Miller's point, that was a fantastic Navy contract, and it will keep jobs rolling in here, training students.

Council Member Buckner welcomed back students at Danville City Schools, Pittsylvania County schools, DCC, and Averett University with their largest class ever.

Council Member Campbell commented about climate change and was glad to hear the discussion on solar power usage. With Danville being an All-American City was there a way for the City to make people more aware, have an impact and get the message out there about climate change.

Council Member Hood stated that with all the great news coming down, the income revenue from Caesar's, and the economic development projects, he wanted to acknowledge the small business owners and small businesses throughout the City for remaining sustainable.

Council Member Mayo stated that Danville was moving. Every morning they see construction going on everywhere, the White Mill and Caesars, it was an exciting time. Mr. Mayo noted he had a chance to speak to some of the new police officers today, why they chose Danville to come work; it was very enlightening. They want to come here and work, but they also want to be a part of growing Danville. He wanted to thank Tia Yancey at Averett for sending them over to DCC to talk about these things. The upcoming Job and Resource Fair will be happening again soon. Last year had a dynamic turnout of employers and resources. It will be in November and encouraged citizens to look out for that.

Mayor Jones acknowledged the students from Tunstall, and Tyrell Payne and his daughter, along with Keisha Averett for being in attendance tonight. He reminded Council that there would not be a work session this evening. School was back in session, and asked citizens to support the children.

August 15, 2023

Meeting was adjourned at 7:33pm.

APPROVED:

MAYOR

ATTEST:

CITY CLERK

DRAFT

Council Letter

City of Danville, Virginia



CL - 696

NEW BUSINESS A.

City Council REGULAR MEETING

Meeting Date: September 19, 2023

Subject: Review of General Fund Financials as of August 31, 2023.

From: Michael Adkins, Chief Financial Officer

COUNCIL ACTION

A brief presentation will be given on the General Fund financial results through August 31, 2023. Financial Statements are included.

Attachments

1. Financial Reports
-



To: Ken F. Larking, City Manager

From: Michael L. Adkins, Chief Financial Officer

Date: September 11, 2023

Subject: Summary of Preliminary General Fund Financial Results for August 31, 2023

After completing the first two months of the new fiscal year, revenues are tracking well with budget and ahead of the previous year. As of August 31, General Fund revenues were \$17,575,193. This represents 12.7% of our FY 2024 budget. Last year at this time, we had collected \$14,608,869 or 12.1% of budget. The increase over the prior year is primarily from growth in local taxes, as well as an increase in interest earnings stemmed from a rise in interest rates.

We continue to see steady performance in the collection of delinquent real estate taxes with \$237,133 realized in the first two months of this fiscal year. This accounts for 26.4% of the current year budget. Tax bills for FY 2024 will be mailed in November and we will begin realizing collection of current real estate and personal property taxes at that time. Local taxes collected through August 31, were \$5,973,501, or 14.85% of budget. This exceeds FY 2023 collections by \$1 million. About half, or \$535,210 of this increase is directly related to casino payments. The remaining increase is found in other sources of local taxes.

Regarding local taxes, sales tax collections through August amounted to \$2,068,733, or 18.2% of budget, an increase of \$251,902 over the prior year. Meals taxes collected for the first two months of the fiscal year amounted to \$2,052,319 or 18.9% of budget, an increase of \$171,544 from last year. Business Licenses realized at the end of August were \$459,733, an increase of \$42,499 from the prior year. Lodging taxes received as of August 31, were \$545,340 or 22.1% of budget, an increase of \$99,853 from the prior year. All other revenue categories, except for Utility taxes, Recordation tax, and DMV fees, exceeded the prior year and are tracking well with budget at this point.

Expenditures through August 31 were \$32,594,682 or 21.9% of budget. This is an overall increase of \$12.2 million when compared to August 31, 2022. Departmental spending for the first two months of the fiscal year amounted to \$14.5 million or 16.7% of budget, an increase of \$2.2 million over the prior year. The increase in departmental spending is primarily attributed to an increase in salaries and benefits over the prior year as well as timing differences for contributions to other entities (i.e. IDA, Business Development Agencies). The remaining overall increase is attributable to increased transfers to

Danville Public Schools from FY 2023 commitments that were encumbered at June 30, 2023.

Fund expenditures exceeded revenues by \$15,019,489. This is typical for the start of the fiscal year in the General Fund because the timing of the revenue recognition is not matched to expenditures. At this point, the General Fund is performing well compared to the current budget.

CITY OF DANVILLE, VIRGINIA

GENERAL FUND REPORT

17% OF YEAR LAPSED AS OF AUGUST 31, 2023

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	\$ 38,347,010	\$ 3,726,497	9.72%		\$ 34,620,513	\$ 1,845,323
Other Local Taxes	40,230,430	5,973,501	14.85%		34,256,929	4,910,072
License Permits & Privilege Fees	424,040	182,725	43.09%		241,315	150,857
Fines & Forfeitures	277,760	42,928	15.46%		234,832	42,398
Revenue From Use Money & Property	1,969,170	891,096	45.25%		1,078,074	177,473
Charges For Services	3,140,340	674,478	21.48%		2,465,862	634,777
Miscellaneous Revenue	25,100	82,489	328.64%		(57,389)	70,479
Recovered Cost	8,897,070	940,861	10.57%		7,956,209	1,118,230
Non-Categorical Aid	13,382,620	450,624	3.37%		12,931,996	1,240,392
Shared Expenses (Categ. Aid State)	6,021,050	965,585	16.04%		5,055,465	817,390
Categorical Aid (State)	10,223,090	1,046,408	10.24%		9,176,682	1,016,646
Emergency Services (Federal)	27,020	-	0.00%		27,020	-
Categorical Aid (Federal)	-	-			-	-
Transfers From Utilities	15,588,000	2,598,000	16.67%		12,990,000	2,584,833
TOTAL REVENUES	\$ 138,552,700	\$ 17,575,193	12.68%		\$ 120,977,507	\$ 14,608,869
EXPENDITURES:						
General Government Administration	\$ 14,177,490	\$ 3,407,473	24.03%	\$ 318,892	\$ 10,451,125	\$ 3,164,853
Judicial Administration	8,921,750	1,426,348	15.99%	27,900	7,467,502	1,300,745
Public Safety	38,295,740	5,745,484	15.00%	751,848	31,798,408	5,105,173
Public Works	5,251,410	685,867	13.06%	266,132	4,299,411	724,583
Health, Education, Welfare & Soc. Svc.	9,980,630	1,155,948	11.58%	45,032	8,779,650	1,011,738
Parks, Recreation & Cultural	6,296,580	892,169	14.17%	62,108	5,342,304	723,624
Community Development	3,543,580	1,169,377	33.00%	218,564	2,155,639	276,391
Non-Departmental	18,701,500	2,285,437	12.22%	-	16,416,063	3,065,674
Transfer to Schools - Operating	36,633,907	15,343,805	41.88%	-	21,290,102	4,853,995
Transfer to Capital Projects	1,015,000	-	0.00%	-	1,015,000	165,000
Transfer to Other Funds	6,270,780	482,775	7.70%	-	5,788,005	140
TOTAL EXPENDITURES	\$ 149,088,367	\$ 32,594,682	21.86%	\$ 1,690,476	\$ 114,803,210	\$ 20,391,917
Revenue over(under) Expenditures		\$ (15,019,489)				\$ (5,783,048)
FUND BALANCE:						
Beginning Fund Balance 07/01/2023		\$ 55,064,111				\$ 46,401,528
Revenue over(under) Expenditures		(15,019,489)				(5,783,048)
Ending Fund Balance 08/31/2023		\$ 40,044,622				\$ 40,618,480
Composition of Fund Balance:						
Reserved for Encumbrances/Designated Funds		\$ 6,253,962				\$ 27,927,181
Unassigned		33,790,661				12,691,299
TOTAL FUND BALANCE 08/31/2023		\$ 40,044,622				\$ 40,618,480

**CITY OF DANVILLE, VIRGINIA
GENERAL FUND
COMPOSITION OF FUND BALANCE
PRELIMINARY - AS OF AUGUST 31, 2023**

Beginning Total Fund Balance, July 1, 2023	55,064,111.17
Add: General Fund Revenues	17,575,192.86
Deduct: General Fund Expenditures	<u>(32,594,681.55)</u>
Ending Total Fund Balance, August 31, 2023	<u><u>40,044,622.48</u></u>

Composition of Fund Balance:

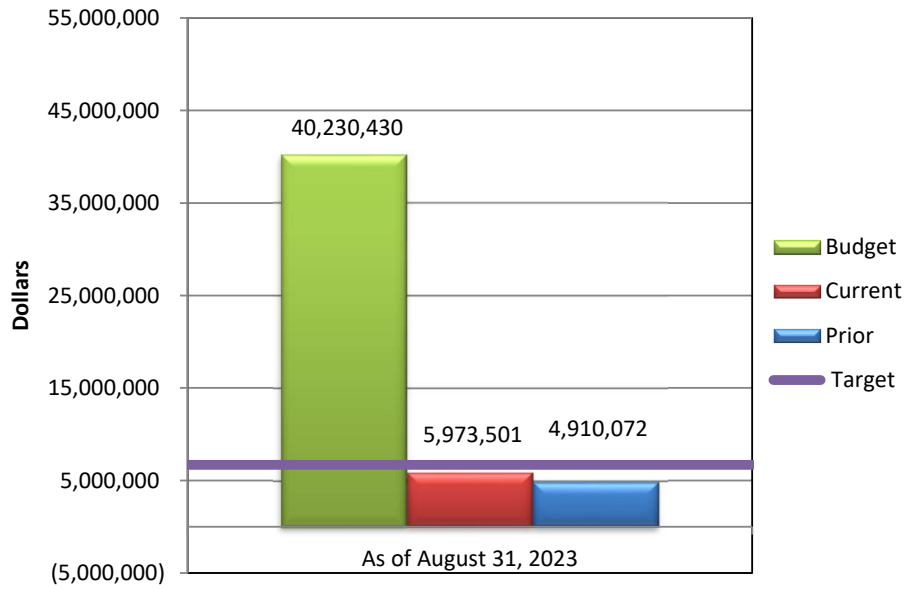
Restricted for Commonwealth Attorney	92,172.53
Restricted for Police Department	40,351.66
Restricted for Fire Department	132,802.75
Committed for Sheriff's Department	9,808.73
Committed to Schools	796,363.72
Committed to Budget Stabilization	3,000,000.00
Assigned to Sheriff's Department	16,184.17
Assigned to Community Development	61,860.99
Assigned for Encumbrances	1,690,476.19
Nonspendable (Inventory and Prepaids)	413,940.95
UNASSIGNED	<u>33,790,660.79</u>
Total Fund Balance, August 31, 2023	<u><u>40,044,622.48</u></u>

Unassigned fund balance from above	33,790,660.79
Unassigned Minimum per policy (20% of General Fund Operating Revenues) based on FY 2024 budget	<u>27,710,540.00</u>
Current surplus (deficit) over (under) minimum	6,080,120.79

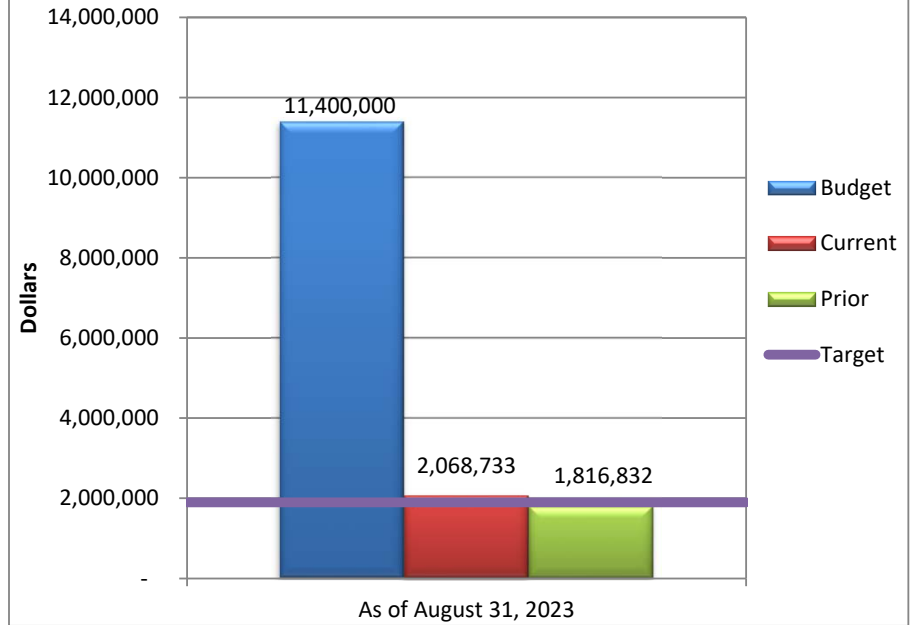
City of Danville, Virginia
Summary of Other Local Tax Revenues - PRE-CLOSING - UNAUDITED
For the period ending August 31, 2023

Description	Current Budget	Revenue Realized	Percentage Realized	Prior Year Budget	Prior Year Realized	Percentage Prior Year
Sales Tax	\$ 11,400,000	\$ 2,068,733	18.15%	\$ 10,115,880	\$ 1,816,832	17.96%
Business Licenses	6,800,000	459,733	6.76%	5,450,000	417,234	7.66%
Meals Tax	10,867,220	2,052,319	18.89%	8,471,320	1,880,775	22.20%
Utility Taxes	930,000	80,404	8.65%	940,000	94,175	10.02%
Vehicle License Fees	1,000,000	99,046	9.90%	1,000,000	95,232	9.52%
Bank Stock Tax	1,000,000	-	0.00%	940,000	-	0.00%
Recordation Tax	270,000	65,514	24.26%	200,000	91,279	45.64%
Hotel Motel Tax	2,467,230	545,340	22.10%	1,511,630	445,487	29.47%
Daily Property Rental Tax	15,980	5,226	32.70%	13,200	5,676	43.00%
Motor Vehicle Tax	200,000	39,041	19.52%	162,000	37,658	23.25%
DMV Fees	280,000	22,934	8.19%	260,000	25,724	9.89%
Caesars Min Fee	5,000,000	535,210	10.70%	-	-	0.00%
TOTAL	\$ 40,230,430	\$ 5,973,501	14.85%	\$ 29,064,030	\$ 4,910,072	16.89%

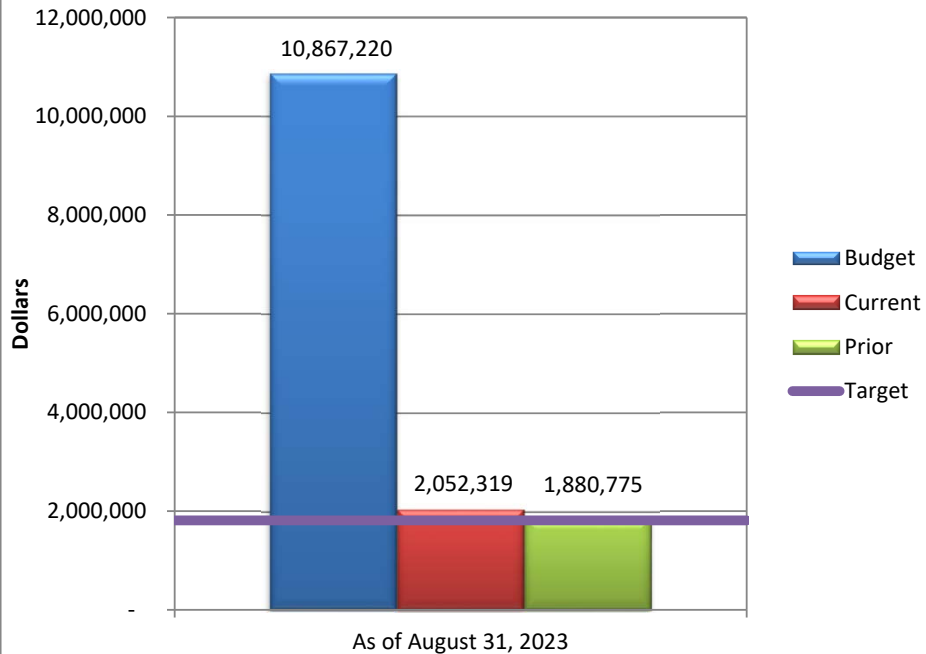
Local Taxes



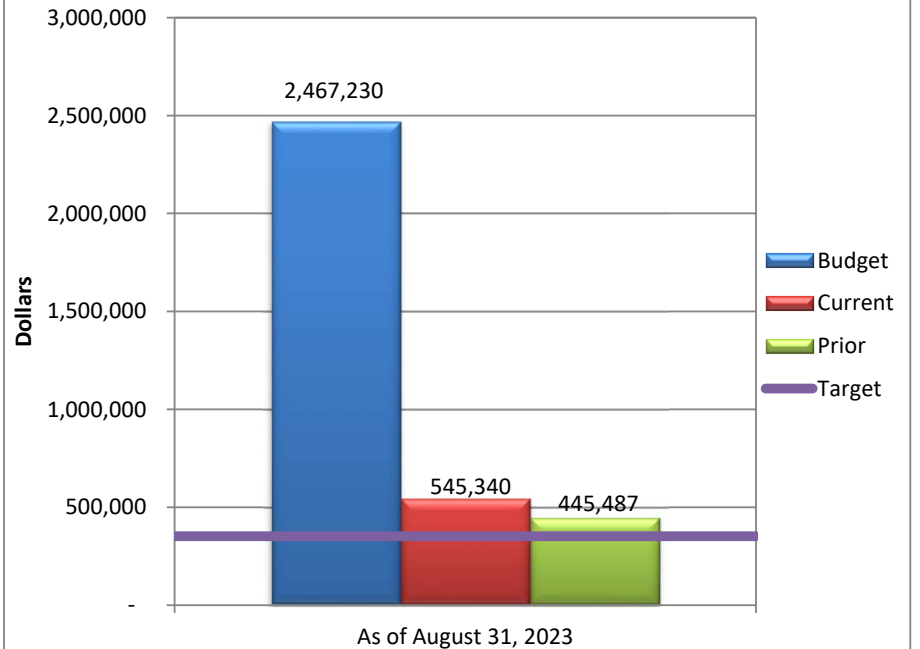
Sales Tax

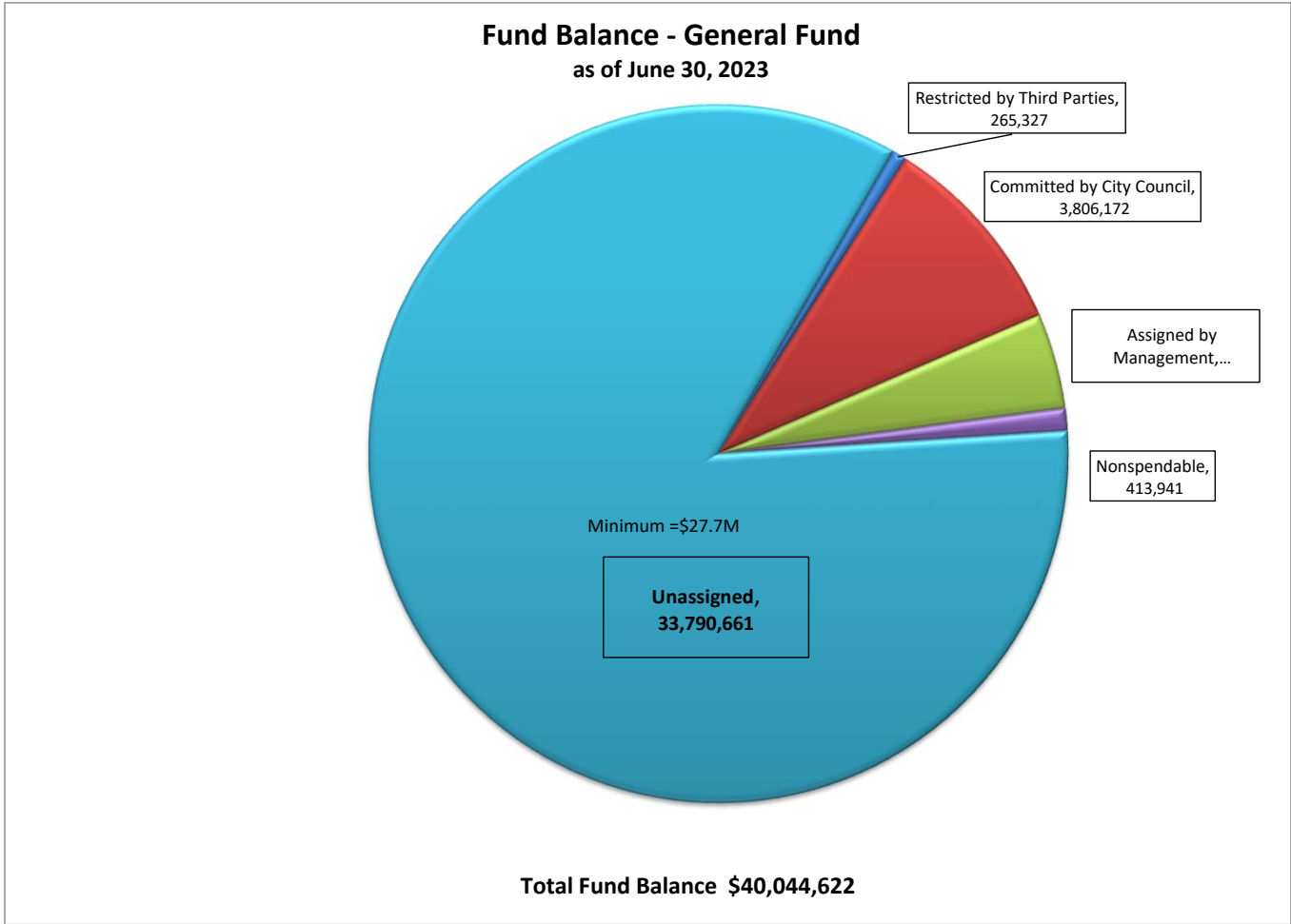
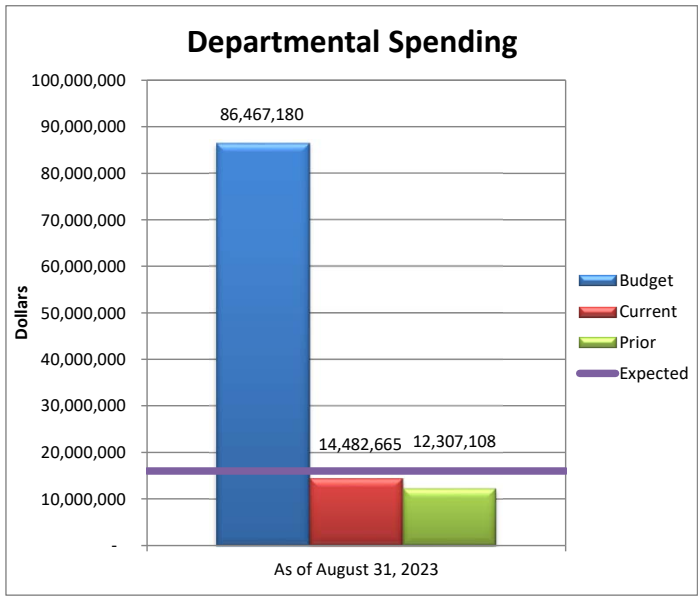
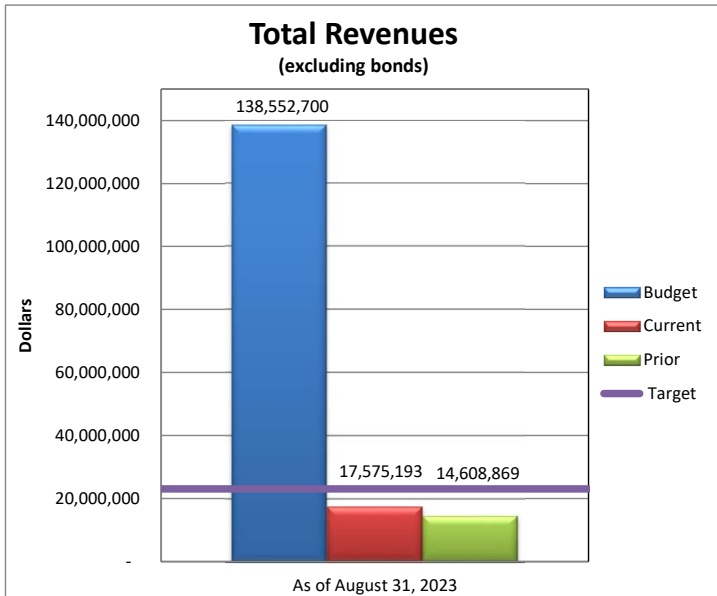


Meals Tax



Lodging Tax





Council Letter

City of Danville, Virginia



CL - 813

NEW BUSINESS B.

City Council REGULAR MEETING

Meeting Date: September 19, 2023

Subject: Reimbursement Resolution

From: Michael Adkins, Chief Financial Officer

COUNCIL ACTION

Resolution of Official Intent to Reimburse Expenditures with Proceeds of a Borrowing.

SUMMARY

The City's Fiscal Year 2024 Capital and Special Projects Plan, adopted by the City Council on June 20, 2023, includes the issuance of bonds to pay for several of the capital projects. If expenditures are incurred for these projects before the bonds are issued and proceeds are received, the attached Reimbursement Resolution will allow the use of bond proceeds as reimbursement. At a later date, City Council will be asked to take other formal actions to authorize and issue the bonds. This Resolution does not authorize the issuance of bonds or obligate the City in any way. Bonds are expected to be issued in April 2024.

BACKGROUND

The Fiscal Year 2024 budget includes the issuance of bonds to cover the costs of several general and utility projects. Issuance of bonds is expected to occur in April 2024 and will potentially fund the following approved capital projects:

Parks & Recreation Facilities	\$2,745,000
Airport Improvements	1,277,767
Public Safety Facilities & Equipment	2,051,500
Information Technology	275,000
Public Buildings & Facilities	2,175,000
Public Streets	2,669,200
Wastewater System	1,000,000
Water Line Reconstruction	3,000,000
Electric Substations & Systems	9,500,000
	\$24,693,467

RECOMMENDATION

Staff recommends City Council adopt the attached Resolution of Official Intent to Reimburse Expenditures with Proceeds of a Borrowing.

Attachments

1. Resolution

PRESENTED: _____

ADOPTED: _____

RESOLUTION NO. 2023-_____._____

RESOLUTION OF OFFICIAL INTENT TO REIMBURSE EXPENDITURES
WITH PROCEEDS OF A BORROWING

WHEREAS, the City of Danville, Virginia (the "City"), plans to undertake the acquisition, construction and/or equipping of several capital projects for governmental purposes, including without limitation, (a) fire and police equipment, (b) information technology software, hardware, and systems, (c) parks and recreation facility improvements, (d) public building improvements (including, public school facilities and without limitation, roof, elevator and HVAC improvements), (e) acquisition and installation of emergency generators, (f) sidewalk, street and parking lot improvements, (g) stormwater system upgrades, (h) utility infrastructure for wastewater, water, gas and electric services, and (i) airport improvements (collectively, the "Project"); and

WHEREAS, plans for the Project have advanced, and the City expects to advance its own funds to pay expenditures related to the Project (the "Expenditures") and to receive reimbursement for such Expenditures from proceeds of bonds or other debt obligations to be issued by or on behalf of the City (collectively, the "Bonds");

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

1. The City intends to issue, or request a conduit issuer to issue, Bonds of one or more series to pay the costs of the Project in a principal amount not currently expected to exceed \$11,500,000 for general governmental projects and \$13,500,000 for utility infrastructure.

2. The City intends that the proceeds of the Bonds be used to reimburse the City for Expenditures made on or after the date that is no more than 60 days prior to the date hereof. The City reasonably expects on the date hereof that it will reimburse the Expenditures with the proceeds of the Bonds.

3. Each Expenditure was or will be, unless otherwise approved by bond counsel, either (a) of a type properly chargeable to a capital account under general federal income tax principles (determined in each case as of the date of the Expenditure), (b) a cost

of issuance with respect to the Bonds, (c) a nonrecurring item that is not customarily payable from current revenues or (d) a grant to a party that is not related to or an agent of the City so long as such grant does not impose any obligation or condition (directly or indirectly) to repay any amount to or for the benefit of the City.

4. The City intends to make a reimbursement allocation, which is a written allocation by the City that evidences the City's use of proceeds of the Bonds to reimburse an Expenditure, no later than 18 months after the later of the date on which the Expenditure is paid or the Project is placed in service or abandoned, but in no event more than three years after the date on which the Expenditure is paid. The City recognizes that exceptions are available for certain "preliminary expenditures," costs of issuance, certain *de minimis* amounts, expenditures by "small issuers" (based on the year of issuance and not the year of expenditure) and expenditures for construction of at least five years.

5. The City intends that the adoption of this Resolution confirms the "official intent" within the meaning of Treasury Regulations Section 1.150-2 promulgated under the Internal Revenue Code of 1986, as amended.

6. This Resolution shall take effect immediately upon its passage.

Approved:

Mayor

Attest:

City Clerk

Approved as to
Form and Legal Sufficiency:

City Attorney

Council Letter City of Danville, Virginia



CL - 793

NEW BUSINESS C.

City Council REGULAR MEETING

Meeting Date: September 19, 2023

Subject: A Resolution Authorizing the City Manager to Submit to the Virginia Department of Housing and Community Development an Enterprise Zone Amendment Application for City Enterprise Zone #1.

From: Kelvin Perry, Assistant Director of Economic Development and Tourism

COUNCIL ACTION

1. Public Hearing
2. A Resolution Authorizing the City Manager to Submit to the Virginia Department of Housing and Community Development an Enterprise Zone Amendment Application for the City Enterprise Zone 1.

SUMMARY

The Office of Economic Development and Tourism is requesting a resolution authorizing the City Manager to sign and submit an application to the Virginia Department of Housing and Community Development (DHCD) to amend the geographic boundaries and incentives for the City's Enterprise Zone Program, known as City Enterprise Zone #1. The amendment will allow the City to encourage and incentivize new capital investment and job creation in this developing area of the City. By amending the zone, any business, property owner or developer will qualify for state and local Enterprise Zone incentives.

BACKGROUND

Enterprise Zone #1 consists of approximately 1,821.77 acres throughout the City of Danville and includes the Central Business District, Tobacco Warehouse District, Cyber Park, Goodyear Boulevard, Dan River Schoolfield Complex, Riverview Industrial Park, and the former Corning Plant. This proposed amendment will delete approximately 32.14 acres currently in the EZ and add 30 acres of commercial property with identified commercial development projects in process or in the near future. Once approved, the amended zone will total approximately 1819.63 acres.

RECOMMENDATION

City Staff recommends City Council approve a resolution authorizing the City Manager to submit to the Department of Housing and Community Development all the necessary documentation to amend the boundaries in the City's Enterprise Zone # 1.

Attachments

1. Resolution
 2. Map - Enterprise Zone 1
-

PRESENTED: _____

ADOPTED: _____

RESOLUTION NO. 2023-_____._____

A RESOLUTION AUTHORIZING THE CITY MANAGER TO SUBMIT TO THE VIRGINIA DEPARTMENT OF HOUSING AND COMMUNITY DEVELOPMENT AN ENTERPRISE ZONE AMENDMENT APPLICATION FOR THE CITY ENTERPRISE ZONE 1.

WHEREAS, the City of Danville, Virginia, desires to amend the boundaries for the City of Danville Enterprise Zone Program, Enterprise Zone #1, which consists mainly of the Downtown and Tobacco Warehouse Historic Districts, Cyberpark, Goodyear, Dan River Schoolfield Complex, Dan River Headquarters, the former Corning facility, and Riverview Industrial Park; and

WHEREAS, the Enterprise Zone Program guidelines restrict total amount of available acreages to include no more than seven (7) percent of the jurisdictions land area, which in Danville totals 1,900 acres in Zone #1; and

WHEREAS, as at this time City staff is requesting the Council to approve boundary additions and deletions to encourage and incentivize new capital investment and job creation, allowing these areas to qualify for local and state incentives for capital improvements and job creation.

NOW THEREFORE, BE IT RESOLVED by the Council of the City of Danville, Virginia, that the City Manager be, and he is hereby, authorized to submit to the Virginia Department of Housing and Community Development an application to amend the boundaries and incentives of the City of Danville Enterprise Zone (Enterprise Zone #1); and

BE IT FURTHER RESOLVED by the Council of the City of Danville, Virginia, that that the City Manager, Kenneth F. Larking, be, and he is hereby, authorized

to submit all information needed to apply for the Enterprise Zone boundary and incentive amendments and to carry out all program administrative reporting requirements.

Approved:

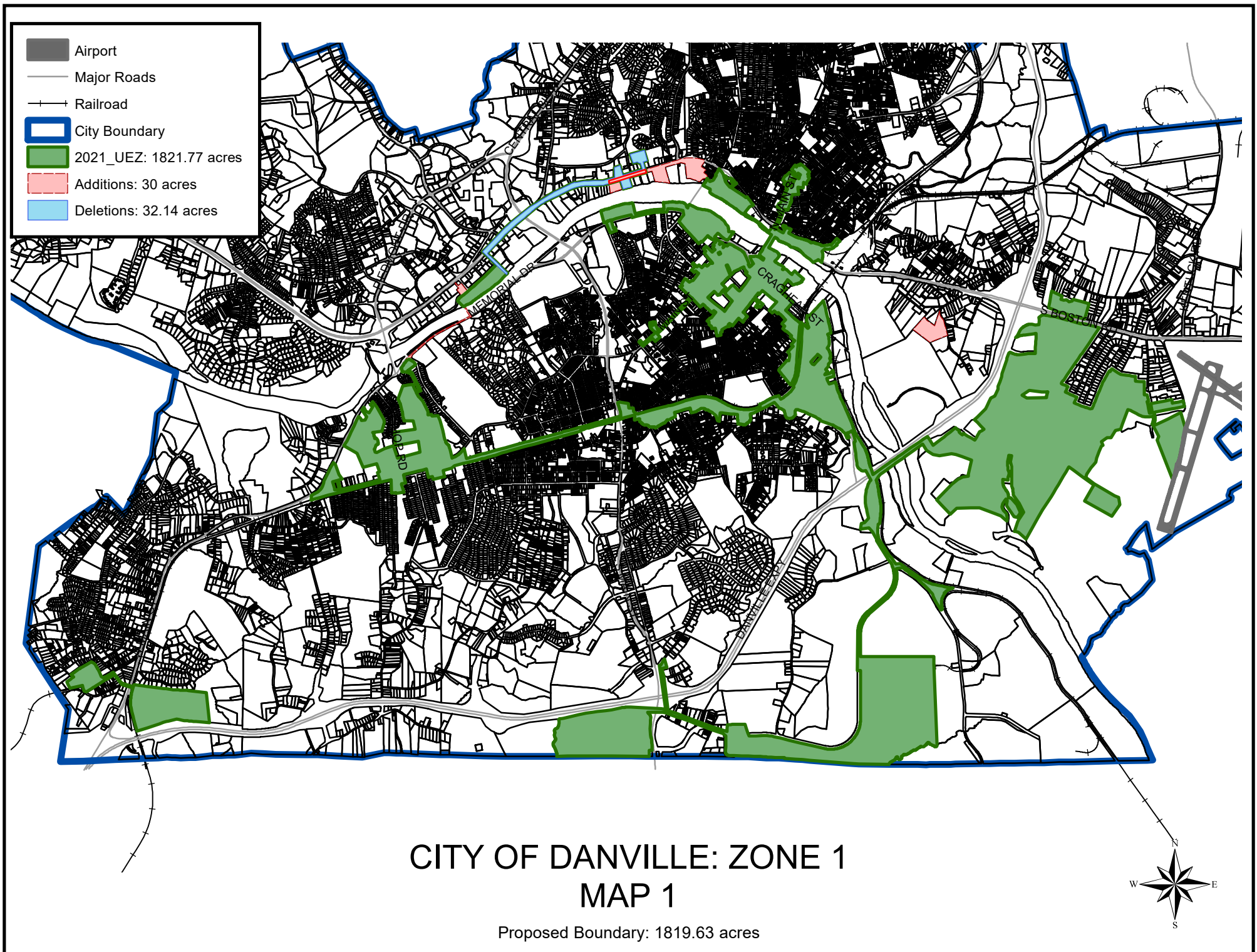
Mayor

Attest:

Clerk

Approved as to
Form and Legal Sufficiency:

City Attorney



LOCAL ASSURANCES

As the representative of the local governing body of the City of Danville, Virginia

I hereby certify that:

- 1) The information in the Enterprise Zone application is accurate to the best of my knowledge.
- 2) A public hearing was held on Tuesday September 19, 2023, by the aforementioned locality to solicit comments on this request for application amendment. A copy of the public hearing advertisement and a copy of the public hearing minutes are attached.
- 3) Any local enterprise zone incentives proposed by the aforementioned locality in the Enterprise Zone application represents a firm commitment by the locality and have been reviewed by the local governing body's attorney as to their legality.
- 4) It is understood that if at any time the aforementioned locality is unable or unwilling to fulfill a commitment to provide local enterprise zone incentives, or if no state enterprise zone incentives have been utilized within a five-year period, the zone shall be subject to termination.

Chief Administrator: _____

Title: _____

Date: _____

Council Letter City of Danville, Virginia



CL - 794

NEW BUSINESS D.

City Council REGULAR MEETING

Meeting Date: September 19, 2023

Subject: Consideration of Resolutions of Support for Virginia Department of Transportation Revenue Sharing Applications.

From: Brian Dunevant, Assistant Director of Public Works | City Engineer

COUNCIL ACTION

1. A Resolution of the City Council of the City of Danville, Virginia Endorsing a Virginia Department of Transportation Revenue Sharing Application for Funding for Richmond Boulevard Pedestrian Access Project.
2. A Resolution of the City Council of the City of Danville, Virginia Endorsing a Virginia Department of Transportation Revenue Sharing Application for Funding for Replacement of Structure 1816 on Riverside Drive over Apple Branch.
3. A Resolution of the City Council of the City of Danville, Virginia Endorsing a Virginia Department of Transportation Revenue Sharing Application for Funding for Broadnax Street and Betts Street Improvement Project.

SUMMARY

The Public Works Engineering Division has prepared Revenue Sharing Applications to request Revenue Sharing Program funds from the Virginia Department of Transportation for construction of three projects as identified below. Each application requires a support resolution from City Council.

- Richmond Boulevard Pedestrian Access;
- Replace Structure 1816 on Riverside Drive; and
- Broadnax Street and Betts Street Improvements.

BACKGROUND

The Virginia Department of Transportation (VDOT) has requested cities and counties submit applications for Revenue Sharing Program Funds. Applications must be submitted by October 2, 2023. Revenue Sharing funds must be matched 50/50 with local Capital Improvement funds.

Pre-applications were required to be submitted by July 1, 2023 for proposed projects. VDOT reviewed the pre-applications for these projects and approved the pre-applications to proceed to full applications. A support resolution from City Council is required to be submitted with each application.

Richmond Boulevard Pedestrian Access and Replace Structure 1816 on Riverside Drive both

previously received Revenue Sharing Program funds, with those funds scheduled to be allocated over the next few years. However, these projects were not fully funded, so the current application request for each project is to secure the additional funding needed to fully fund these projects. Broadnax Street and Betts Street Improvements is a new project request.

RECOMMENDATION

It is recommended that City Council approve the accompanying resolutions requesting the Virginia Department of Transportation to allocate Revenue Sharing Program funds for the listed projects in the City of Danville.

Attachments

1. Resolution - Richmond Boulevard
 2. Resolution - Structure 1816
 3. Resolution - Broadnax Street and Betts Street
-

PRESENTED: _____

ADOPTED: _____

RESOLUTION NO. 2023-____.____

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF DANVILLE, VIRGINIA ENDORSING A VIRGINIA DEPARTMENT OF TRANSPORTATION REVENUE SHARING APPLICATION FOR FUNDING FOR RICHMOND BOULEVARD PEDESTRIAN ACCESS PROJECT.

WHEREAS, in accordance with the Commonwealth Transportation Board construction allocation procedures, it is necessary that a resolution be received from the sponsoring local jurisdiction or agency requesting the Virginia Department of Transportation (VDOT) to establish a project in the City of Danville.

NOW THEREFORE, BE IT RESOLVED, by the Council of the City of Danville, Virginia, that the City requests the Commonwealth Transportation Board to establish a project for improving pedestrian access along Richmond Boulevard from Moffett Street to Justin Lane; and

BE IT FURTHER RESOLVED that the City of Danville hereby agrees to provide its share of the total cost for preliminary engineering, right-of-way acquisition, and construction of this project in accordance with the project financial documents; and

BE IT FURTHER RESOLVED that the City of Danville hereby agrees to enter into a project administration agreement with VDOT and provide the necessary oversight to ensure the project is developed in accordance with all applicable federal, state, and local requirements for design, right-of-way acquisition, and construction of the project; and

BE IT FURTHER RESOLVED that the City of Danville will be responsible for maintenance and operating costs of the facility as constructed unless other arrangements have been made with VDOT; and

BE IT FURTHER RESOLVED that if the City of Danville subsequently elects to cancel the project, the City of Danville hereby agrees to reimburse VDOT for the total

amount of costs expended by VDOT through the date VDOT is notified of such cancellation. The City of Danville also agrees to repay any funds previously reimbursed that are later deemed ineligible by the Federal Highway Administration or VDOT; and

BE IT FINALLY RESOLVED that the City Council of the City of Danville hereby grants authority for the City Manager to apply for funds and execute project administration agreements, as well as other documents necessary for approved projects.

Approved:

Mayor

Attest:

City Clerk

Approved as to
Form and Legal Sufficiency:

City Attorney

Attest: _____
SUSAN M. DEMASI, CITY CLERK

ALONZO JONES, MAYOR

In my capacity as the duly appointed Clerk of the City of Danville, I hereby certify that Resolution # _____ which is hereto attached, was adopted at a duly called and constituted meeting of the City of Danville held at the Municipal Building at 427 Patton Street on _____. Said meeting was called to order by Mayor Alonzo Jones at 7:00 pm with the following members present who remained in attendance throughout and constituted a quorum:

The City Council of the City of Danville voted unanimously to adopt attached Resolution # _____.

Given under my hand this _____ day of _____.

SUSAN M. DEMASI, CITY CLERK

STATE OF VIRGINIA
CITY OF DANVILLE

Attested Photocopy:

On this _____ day of _____, I Susan DeMasi, attest that the preceding document is a true, exact. Complete and unaltered photocopy made by me of Resolution # _____.

SUSAN M. DEMASI, CITY CLERK

PRESENTED: _____

ADOPTED: _____

RESOLUTION NO. 2023-____.____

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF DANVILLE, VIRGINIA ENDORSING A VIRGINIA DEPARTMENT OF TRANSPORTATION REVENUE SHARING APPLICATION FOR FUNDING FOR REPLACEMENT OF STRUCTURE 1816 ON RIVERSIDE DRIVE OVER APPLE BRANCH.

WHEREAS, in accordance with the Commonwealth Transportation Board construction allocation procedures, it is necessary that a resolution be received from the sponsoring local jurisdiction or agency requesting the Virginia Department of Transportation (VDOT) to establish a project in the City of Danville.

NOW THEREFORE, BE IT RESOLVED, by the Council of the City of Danville, Virginia, that the City requests the Commonwealth Transportation Board to establish a project for the replacement of structure 1816 on Riverside Drive over Apple Branch; and

BE IT FURTHER RESOLVED that the City of Danville hereby agrees to provide its share of the total cost for preliminary engineering, right-of-way acquisition, and construction of this project in accordance with the project financial documents; and

BE IT FURTHER RESOLVED that the City of Danville hereby agrees to enter into a project administration agreement with VDOT and provide the necessary oversight to ensure the project is developed in accordance with all applicable federal, state, and local requirements for design, right-of-way acquisition, and construction of the project; and

BE IT FURTHER RESOLVED that the City of Danville will be responsible for maintenance and operating costs of the facility as constructed unless other arrangements have been made with VDOT; and

BE IT FURTHER RESOLVED that if the City of Danville subsequently elects to cancel the project, the City of Danville hereby agrees to reimburse VDOT for the total

amount of costs expended by VDOT through the date VDOT is notified of such cancellation. The City of Danville also agrees to repay any funds previously reimbursed that are later deemed ineligible by the Federal Highway Administration or VDOT; and

BE IT FINALLY RESOLVED that the City Council of the City of Danville hereby grants authority for the City Manager to apply for funds and execute project administration agreements, as well as other documents necessary for approved projects.

Approved:

Mayor

Attest:

City Clerk

Approved as to
Form and Legal Sufficiency:

City Attorney

Attest: _____
SUSAN M. DEMASI, CITY CLERK

ALONZO JONES, MAYOR

In my capacity as the duly appointed Clerk of the City of Danville, I hereby certify that Resolution # _____ which is hereto attached, was adopted at a duly called and constituted meeting of the City of Danville held at the Municipal Building at 427 Patton Street on _____. Said meeting was called to order by Mayor Alonzo Jones at 7:00pm with the following members present who remained in attendance throughout and constituted a quorum:

The City Council of the City of Danville voted unanimously to adopt attached Resolution # _____.

Given under my hand this _____ day of _____.

SUSAN M. DEMASI, CITY CLERK

STATE OF VIRGINIA
CITY OF DANVILLE

Attested Photocopy:

On this _____ day of _____, I Susan DeMasi, attest that the preceding document is a true, exact. Complete and unaltered photocopy made by me of Resolution # _____.

SUSAN M. DEMASI, CITY CLERK

PRESENTED: _____

ADOPTED: _____

RESOLUTION NO. 2023-____.____

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF DANVILLE, VIRGINIA ENDORSING A VIRGINIA DEPARTMENT OF TRANSPORTATION REVENUE SHARING APPLICATION FOR FUNDING FOR BROADNAX STREET AND BETTS STREET IMPROVEMENT PROJECT.

WHEREAS, in accordance with the Commonwealth Transportation Board construction allocation procedures, it is necessary that a resolution be received from the sponsoring local jurisdiction or agency requesting the Virginia Department of Transportation (VDOT) to establish a project in the City of Danville.

NOW THEREFORE, BE IT RESOLVED, by the Council of the City of Danville, Virginia, that the City requests the Commonwealth Transportation Board to establish a project for improving Broadnax Street and Betts Street; and

BE IT FURTHER RESOLVED that the City of Danville hereby agrees to provide its share of the total cost for preliminary engineering, right-of-way acquisition, and construction of this project in accordance with the project financial documents; and

BE IT FURTHER RESOLVED that the City of Danville hereby agrees to enter into a project administration agreement with VDOT and provide the necessary oversight to ensure the project is developed in accordance with all applicable federal, state, and local requirements for design, right-of-way acquisition, and construction of the project; and

BE IT FURTHER RESOLVED that the City of Danville will be responsible for maintenance and operating costs of the facility as constructed unless other arrangements have been made with VDOT; and

BE IT FURTHER RESOLVED that if the City of Danville subsequently elects to cancel the project, the City of Danville hereby agrees to reimburse VDOT for the total amount of costs expended by VDOT through the date VDOT is notified of such cancellation.

The City of Danville also agrees to repay any funds previously reimbursed that are later deemed ineligible by the Federal Highway Administration or VDOT; and

BE IT FINALLY RESOLVED that the City Council of the City of Danville hereby grants authority for the City Manager to apply for funds and execute project administration agreements, as well as other documents necessary for approved projects.

Approved:

Mayor

Attest:

City Clerk

Approved as to
Form and Legal Sufficiency:

City Attorney

Attest: _____
SUSAN M. DEMASI, CITY CLERK

ALONZO JONES, MAYOR

In my capacity as the duly appointed Clerk of the City of Danville, I hereby certify that Resolution #_____ which is hereto attached, was adopted at a duly called and constituted meeting of the City of Danville held at the Municipal Building at 427 Patton Street on_____. Said meeting was called to order by Mayor Alonzo Jones at 7:00pm with the following members present who remained in attendance throughout and constituted a quorum:

The City Council of the City of Danville voted unanimously to adopt attached Resolution #_____.
_____.

Given under my hand this _____ day of _____.

SUSAN M. DEMASI, CITY CLERK

STATE OF VIRGINIA
CITY OF DANVILLE

Attested Photocopy:

On this_____ day of _____, I Susan DeMasi, attest that the preceding document is a true, exact. Complete and unaltered photocopy made by me of Resolution #_____.

SUSAN M. DEMASI, CITY CLERK

Council Letter

City of Danville, Virginia



CL - 806

NEW BUSINESS E.

City Council REGULAR MEETING

Meeting Date: September 19, 2023

Subject: Consideration of Amending the Fiscal Year 2024 Budget Appropriation Ordinance for Federal and State Aviation Capital Funding.

From: Marc Adelman, Director of Transportation Services

COUNCIL ACTION

An Ordinance Amending the Fiscal Year 2024 Budget Appropriation Ordinance to Provide for Federal and State Aviation Capital Grant Funding to Complete the Rehabilitation of the South Ramp at the Danville Regional Airport Plus Additional State Aviation Funding Related to the Replacement of the Terminal Building Roof in the Amount of \$3,753,439 and for the Local Share in the Amount of \$116,939 to be Provided by a Transfer from the General Fund Support of Special Grants Fund and Appropriating the Same.

FIRST READING

SUMMARY

Additional federal and state aviation capital funding has been approved to complete the rehabilitation of the south ramp project and to subsidize overages related to the terminal building roof replacement project.

BACKGROUND

During Fiscal Year 2023, federal and state aviation funding was received to finance the partial rehabilitation of the south ramp. The first phase of the project involved reconstructing sections of the taxiway connections that provide access to the south ramp, demolishing the concrete that was originally used to construct the south ramp and paving the taxiway connections. This phase of the project was completed during the spring of 2023 and additional federal and state funding was approved to complete the project that involves paving the south ramp.

State aviation funding was also approved during Fiscal Year 2023 to replace the terminal building roof, which was constructed in 1961 and involved a flat roof design. Due to the age and condition of the roof, materials that were used during the original construction required replacement, which significantly increased the cost to replace the roof. Therefore, a state grant application was submitted and approved to cover the related overage.

RECOMMENDATION

It is recommended that City Council approve the attached Budget Appropriation Ordinance appropriating federal and state aviation grant funds to complete the rehabilitation of the south ramp, and provide supplemental aid for the terminal building roof rehabilitation project at the Danville Regional Airport.

Attachments

1. Ordinance
 2. Exhibit - South Ramp Rehabilitation Project
-

PRESENTED: _____

ADOPTED: _____

ORDINANCE NO. 2023-_____

AN ORDINANCE AMENDING THE FISCAL YEAR 2024 BUDGET APPROPRIATION ORDINANCE TO PROVIDE FOR FEDERAL AND STATE AVIATION CAPITAL GRANT FUNDING TO COMPLETE THE REHABILITATION OF THE SOUTH RAMP AT THE DANVILLE REGIONAL AIRPORT PLUS ADDITIONAL STATE AVIATION FUNDING RELATED TO THE REPLACEMENT OF THE TERMINAL BUILDING ROOF IN THE AMOUNT OF \$3,753,439 AND FOR THE LOCAL SHARE IN THE AMOUNT OF \$116,939 TO BE PROVIDED BY A TRANSFER FROM THE GENERAL FUND SUPPORT OF SPECIAL GRANTS FUND AND APPROPRIATING THE SAME.

WHEREAS, the Federal Aviation Administration and the Virginia Department of Aviation determined the existing condition of the airport's south ramp requires rehabilitation; and

WHEREAS, the first phase of the south ramp rehabilitation project was completed during Fiscal Year 2023; and

WHEREAS, the federal eligible portion of the second and last phase of the south ramp project will be funded with federal aviation capital aid at ninety percent and other project areas will be funded with state aid at eighty percent; and

WHEREAS, the Virginia Aviation Board has approved state funding to supplement the FAA eligible scope of work to complete the south ramp rehabilitation ramp project and overages related to the replacement of the terminal building roof.

NOW THEREFORE, BE IT ORDAINED by the Council of the City of Danville, Virginia that the Fiscal Year 2024 Budget Appropriation Ordinance be, and it is hereby, amended by increasing revenues for grants from the Federal Aviation Administration in the amount of \$3,336,002 and the Virginia Department of Aviation in the amount of \$417,437, with local match funds totaling \$116,939 for a total of \$3,870,378, such funds to be appropriated as follows:

ANTICIPATED REVENUES

<u>Description</u>	<u>Account No.</u>	<u>Amount</u>
South Ramp Rehabilitation Project		
Federal Aviation Administration Funds	61868000-48420	\$3,336,002
State Aviation Funds	61868000-45712	\$ 387,317
Transfer from Support of Grants Fund	61868000-6101	\$ 96,830
	TOTAL	<u>\$3,820,149</u>

ANTICIPATED EXPENDITURES

<u>Description</u>	<u>Account No.</u>	<u>Amount</u>
South Ramp Rehabilitation Project	61868999-50	<u>\$3,820,149</u>

ANTICIPATED REVENUES

<u>Description</u>	<u>Account No.</u>	<u>Amount</u>
Terminal Building Roof Replacement		
State Aviation Funds	61849000-45712	\$ 30,120
Transfer from Support of Grants Fund	61849000-6101	\$ 20,109
	TOTAL	<u>\$ 50,229</u>

ANTICIPATED EXPENDITURES

<u>Description</u>	<u>Account No.</u>	<u>Amount</u>
Terminal Building Roof Replacement	61849999-50	<u>\$ 50,229</u>

AND BE IT FURTHER ORDAINED by the Council of the City of Danville, Virginia, that the Fiscal Year 2024 Budget Appropriation Ordinance, as amended, not herby 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



South Ramp Rehabilitation Project

Phase 1 was completed during the spring of 2023. Phase 1 work activities involved rehabilitation of the taxiway connections to the south ramp and rubblizing concrete.

Phase 2 will be completed during the spring/summer of 2024. Work activities will involve paving the south ramp.

Council Letter

City of Danville, Virginia



CL - 761

NEW BUSINESS F.

City Council REGULAR MEETING

Meeting Date: September 19, 2023

Subject: Consideration of Amending the Fiscal Year 2024 Budget Appropriation Ordinance for Older Americans Act Grant Funding in the Amount of \$476,635.

From: Marc Adelman, Director of Transportation Services

COUNCIL ACTION

An Ordinance Amending the Fiscal Year 2024 Budget Appropriation Ordinance by Increasing Certain Revenues to Provide for Title III-B Grant Funds and Local Share for Senior Citizen Transportation Services and Appropriating the Same.

FIRST READING

SUMMARY

The City of Danville applies annually for federal Older Americans Act funds, and state transportation funds, to serve as a contractor for the Southern Area Agency on Aging to provide transportation services for senior citizens ages sixty and over. For the period July 1, 2022 through June 30, 2023, the Danville Transit System completed 12,668 one-way trips for seniors. These trips were invoiced to the Southern Area Agency on Aging. Senior ridership increased 3% compared to the previous fiscal year but passenger activity is still significantly less than prior to the pandemic when 18,000 to 20,000 trips were completed annually.

BACKGROUND

The Transportation Services Department requests the City Council's approval to appropriate Title III-B Older Americans Act Grant funds for the federal fiscal year from October 1, 2023 through September 30, 2024 in the amount of \$49,900 and other federal funds in the amount of \$22,500. In addition, this request applies to the appropriation of \$22,445 in State Transportation funds and Program income of \$1,000 for transportation services.

The Ordinance includes an appropriation for in-kind services for the Title III-B Older Americans Act Grant in the amount of \$380,790. These charges are appropriated in the Transportation Services budget as well. The appropriation for in-kind service is necessary for administrative and reporting activities, to complete operational and supervisory duties to support the Senior Transportation program and includes in-kind revenue, and equal in-kind expenditures in the Special Grants fund.

RECOMMENDATION

It is recommended that City Council approve the attached Ordinance appropriating the Title III-B Older American Act grant funds received through the Southern Area Agency on Aging for Fiscal Year 2024.

Attachments

1. Ordinance
-

PRESENTED: _____

ADOPTED: _____

ORDINANCE NO. 2023-_____._____

AN ORDINANCE AMENDING THE FISCAL YEAR 2024 BUDGET APPROPRIATION ORDINANCE BY INCREASING CERTAIN REVENUES TO PROVIDE FOR TITLE III-B GRANT FUNDS AND LOCAL SHARE FOR SENIOR CITIZEN TRANSPORTATION SERVICES AND APPROPRIATING THE SAME.

NOW THEREFORE, BE IT ORDAINED by the Council of the City of Danville, Virginia that the Fiscal Year 2024 Budget Appropriation Ordinance be, and it is hereby, amended to provide for a grant from Title III-B Older Americans Act funds in the amount of \$49,900; Other Federal Funds in the amount of \$22,500, Virginia General Fund monies in the amount of \$22,445, administered by the Southern Area Agency on Aging to the Department of Transportation Services for the Federal Fiscal Year beginning October 1, 2023 and ending September 30, 2024; \$1,000 program income and \$380,790 In-Kind Services for a total of \$476,635, and appropriating such funds within the Special Grants Fund, such revenue and appropriations to be as follows:

ANTICIPATED REVENUES

<u>Description</u>	<u>Account No.</u>	<u>Amount</u>
Categorical Aid –Federal: Older Americans Act Title III-B Funds (FY23-24)	61882000-48050	\$94,845
Local Share: Older Americans Act Title III-B Program Income (FY23-24)	61883000-44650	\$1,000
Title III-B Older Americans Act In-Kind (FY23-24)	61884000-44890	<u>\$380,790</u>
	TOTAL	<u>\$476,635</u>

ANTICIPATED EXPENDITURES

<u>Description</u>	<u>Account No.</u>	<u>Amount</u>
Older Americans Act Title III-B (FY23-24)		
Salary and Wages	61882000-51200	\$39,000
FICA	61882000-51450	\$2,771
Mass Transit Services	61882000-52660	\$51,171
Postage	61882000-54050	\$1,403
Travel	61882000-54900	\$500
	Subtotal	<u>\$94,845</u>

<u>Description</u>	<u>Account No.</u>	<u>Amount</u>
Older Americans Act Title III-B Program Income (FY23-24):		
Travel/Training Expense	61883000-54900	\$1,000
	Subtotal	<u>\$1,000</u>

<u>Description</u>	<u>Account No.</u>	<u>Amount</u>
Older Americans Act Title III-B In-Kind (FY23-24):		
Postage	61884000-59630	\$750
Telephone/Internet	61884000-59635	\$1,400
Travel/Training Expense	61884000-59645	\$1,833
Office Supplies	61884000-59650	\$1,000
Salary and Wages	61884000-59500	\$341,014
FICA	61884000-59510	\$23,058
Outside Services	61884000-59610	\$550
Print Shop	61884000-59620	\$3,000
Lease/Rent Buildings	61884000-59670	\$8,185
	Subtotal	<u>\$380,790</u>
	GRAND TOTAL	<u>\$476,635</u>

AND BE IT FURTHER ORDAINED that all other accounts and provisions of the Fiscal Year 2024 Budget Appropriation Ordinance, as amended, not hereby amended, shall continue in full force and effect unless and until hereafter further amended or repealed; and

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

Approved:

Mayor

Attest:

Clerk

Approved as to
Form and Legal Sufficiency:

City Attorney

Council Letter City of Danville, Virginia



CL - 763

NEW BUSINESS G.

City Council REGULAR MEETING

Meeting Date: September 19, 2023

Subject: Consideration of Amending the Fiscal Year Budget Appropriation Ordinance for the Airport Maintenance Program in the Amount of \$50,000

From: Marc Adelman, Director of Transportation Services

COUNCIL ACTION

An Ordinance Amending the Fiscal Year 2024 Budget Appropriation Ordinance to Provide for State Department of Aviation Maintenance Grant Funds Related to the Maintenance of Certain Airport Properties in the Amount of \$40,000 and for the Local Share in the Amount of \$10,000 for a Total Appropriation of \$50,000 and Appropriating the Same.

FIRST READING

SUMMARY

The Virginia Department of Aviation provides airport maintenance funding to assist airports with preserving facilities in a safe and economical operating condition. Maintenance grant funding will allow Virginia airports to receive up to \$10,000 per project.

BACKGROUND

Eligible maintenance activities for State Airport Maintenance funds include scheduled and unscheduled repairs that are not performed each quarter. State maintenance funds can also be used to finance equipment purchases. Funding levels vary for different airport maintenance program activities relative to state guidelines. Projects that support facility preservation, such as crack sealing, are funded at higher levels compared to projects that are related to the replacement of grounds equipment.

The Virginia Department of Aviation recently changed eligibility guidelines for the project. Currently, any maintenance project that costs more than \$10,000 requires airports to submit a capital grant application to complete related work requirements. Therefore, the Danville Regional Airport plans to use available state funding for unscheduled repairs for the majority of the fiscal year.

RECOMMENDATION

It is recommended that City Council approve an Ordinance Amending the Fiscal Year 2024 Budget Appropriation Ordinance to provide for Virginia Department of Aviation Airport Maintenance funds and for the local share, and appropriating the same.

Attachments

1. Ordinance
-

PRESENTED: _____

ADOPTED: _____

ORDINANCE NO. 2023-_____._____

AN ORDINANCE AMENDING THE FISCAL YEAR 2024 BUDGET APPROPRIATION ORDINANCE TO PROVIDE FOR STATE DEPARTMENT OF AVIATION MAINTENANCE GRANT FUNDS RELATED TO THE MAINTENANCE OF CERTAIN AIRPORT PROPERTIES IN THE AMOUNT OF \$40,000 AND FOR THE LOCAL SHARE IN THE AMOUNT OF \$10,000 FOR A TOTAL APPROPRIATION OF \$50,000 AND APPROPRIATING THE SAME.

NOW THEREFORE, BE IT ORDAINED by the Council of the City of Danville, Virginia that the Fiscal Year 2024 Budget Appropriation Ordinance be, and it is hereby, amended by increasing revenues from the Commonwealth of Virginia, Department of Aviation, in an amount of \$40,000 and the local share for \$10,000 for an aggregate amount of \$50,000 for the purpose of providing for a State funded Airport Maintenance Program at the Danville Regional Airport such funds to be appropriated in the Support of Grants Fund as follows:

ANTICIPATED REVENUES

<u>Description</u>	<u>Account No.</u>	<u>Amount</u>
FY2024 Airport Maintenance		
Categorical Aid – State	61881000-45712	\$ 40,000
Local Share	61881000-6101	\$ 10,000
	TOTAL	<u>\$ 50,000</u>

ANTICIPATED EXPENDITURES

<u>Description</u>	<u>Account No.</u>	<u>Amount</u>
FY 2024 Airport Maintenance	61881999-50	<u>\$ 50,000</u>

AND BE IT FURTHER ORDAINED that all other accounts and provisions of the Fiscal Year 2024 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 - 846

NEW BUSINESS H.

City Council REGULAR MEETING

Meeting Date: September 19, 2023

Subject: Consideration of Canceling the October 3, 2023 City Council Meeting.

From: Ken Larking, City Manager

COUNCIL ACTION

Resolution Canceling the Regular Meeting of Danville City Council Scheduled for Tuesday, October 3, 2023, and Scheduling a Special Meeting of City Council on Thursday, October 5, 2023.

SUMMARY

Danville has long participated in "National Night Out," a unique crime prevention event sponsored by the National Association of Town Watch. The event is intended to heighten crime and drug prevention awareness, generate support for, and participation in, local anti-crime programs, strengthen neighborhood spirit and police-community partnerships, and send a message to criminals letting them know that neighborhoods are organized and fighting back.

This year's National Night Out event is scheduled for Tuesday, October 3, 2023 with activities at multiple sites across Danville. Because of scheduling conflicts with City Council meetings, levels of participation have been cut short in the past. For the past several years, City Council agreed to move the regular Tuesday Council meeting to Thursday so that members of City Council and City staff could fully participate in the event. Therefore, it is recommended that the regular City Council meeting scheduled for October 3rd be canceled and a special meeting of City Council be held on Thursday, October 5, 2023.

RECOMMENDATION

It is recommended that City Council approve the attached Resolution canceling the October 3, 2023 regular meeting of Danville City Council and schedule a special meeting on Thursday, October 5, 2023.

Attachments

1. Resolution
-

PRESENTED: _____

ADOPTED: _____

RESOLUTION NO. 2023 - _____.____

RESOLUTION CANCELING THE REGULAR MEETING OF DANVILLE CITY COUNCIL SCHEDULED FOR TUESDAY, OCTOBER 3, 2023, AND SCHEDULING A SPECIAL MEETING OF CITY COUNCIL ON THURSDAY, OCTOBER 5, 2023.

WHEREAS, the "National Night Out" event will be held on Tuesday, October 3, 2023; and

WHEREAS, a regular meeting of Council is scheduled for 7:00 p.m., Tuesday, October 3, 2023; and

WHEREAS, it is desirable to cancel the regular meeting of Council scheduled for October 3, 2023, and schedule a special meeting of Council on Thursday, October 5, 2023, at 7:00 p.m. to permit members of Council and staff to attend the local National Night Out event sites.

NOW THEREFORE, BE IT RESOLVED by the City Council of the City of Danville, Virginia, that the regular meeting of Tuesday, October 3, 2023, be, and is hereby, canceled; and

BE IT FURTHER RESOLVED that a special meeting of Council is called for Thursday, October 5, 2023, at 7:00 p.m. to consider matters of municipal business.

Approved:

Mayor

Attest:

City Clerk

Approved as to
Form and Legal Sufficiency:

City Attorney

Council Letter City of Danville, Virginia



CL - 835

NEW BUSINESS I.

City Council REGULAR MEETING

Meeting Date: September 19, 2023

Subject: Consideration of Amending Danville City Code Sections 23-7 and 23-8 Related to Solicitation.

From: W. Clarke Whitfield Jr., City Attorney

COUNCIL ACTION

An Ordinance Repealing and Reordaining in its Entirety Section 7, Entitled "Prohibition Against Certain Forms of Aggressive Solicitation" and Section 8, Entitled "Solicitation on Center Median or Side of Street Prohibited" of Chapter 23, Entitled "Offenses - Miscellaneous", of the Code of the City of Danville, Virginia, 1986, As Amended.

SUMMARY

City Staff is seeking approval from City Council to update the existing City Code sections 23-7 and 23-8 relating to aggressive solicitation and solicitation in center medians and the sides of street to add new definitions, clarify City staff responsibilities and powers, and make additional changes to bring these sections into compliance with recent federal court cases.

BACKGROUND

Section 23-7. (Prohibition against certain forms of aggressive solicitation.) and Section 23-8. (Solicitation on center median or side of street prohibited.) of the City Code have not been updated in several years. With City staff noticing an uptick in incidents and close calls involving vehicles and pedestrians in and along City streets, as well as incidents involving loitering and aggressive solicitation, City staff desire that the law governing such conduct be updated to ensure City staff have adequate tools to address unsafe conditions and that such tools comply with recent federal court cases affecting these powers. The proposed new language has been drafted to update these Sections by creating new definitions, clarifying vague and contradictory language, and narrowly tailoring the City Code to regulate interfering with Constitutional rights. These proposed changes have been crafted in line with recent U.S. Supreme Court and 4th Circuit Court of Appeals decisions affecting solicitation and restrictions on activities in public rights of way.

RECOMMENDATION

City staff recommends approving the proposed rewriting of Section 23-7 and Section 23-8 of the City Code to assist City Staff in the carrying out of their duties on behalf of the City, and ensure compliance with the U.S. Constitution.

Attachments

1. Ordinance
-

PRESENTED: _____

ADOPTED: _____

ORDINANCE NO. - _____._____

AN ORDINANCE REPEALING AND REORDAINING IN ITS ENTIRETY SECTION 7, ENTITLED "PROHIBITION AGAINST CERTAIN FORMS OF AGGRESSIVE SOLICITATION" AND SECTION 8, ENTITLED "SOLICITATION ON CENTER MEDIAN OR SIDE OF STREET PROHIBITED" OF CHAPTER 23, ENTITLED "OFFENSES - MISCELLANEOUS", OF THE CODE OF THE CITY OF DANVILLE, VIRGINIA, 1986, AS AMENDED.

WHEREAS, the current Section 7, entitled "Prohibition against certain forms of aggressive solicitation" and the current Section 8, entitled "Solicitation on center median or side of street prohibited", of Chapter 23, entitled "Offenses - Miscellaneous", of the Code of the City of Danville, Virginia, needs to be repealed; and

WHEREAS, the current language of Section 7, entitled "Prohibition against certain forms of aggressive solicitation" and the current Section 8, entitled "Solicitation on center median or side of street prohibited", of Chapter 23, entitled "Offenses - Miscellaneous", of the Code of the City of Danville, Virginia, needs to be updated, revised, and reordained.

NOW THEREFORE, BE IT ORDAINED by the Council of the City of Danville, Virginia, that Section 7, entitled "Prohibition against certain forms of aggressive solicitation" and the current Section 8, entitled "Solicitation on center median or side of street prohibited", of Chapter 23, entitled "Offenses - Miscellaneous", of the Code of the City of Danville, Virginia, as amended, be, and the same is hereby, repealed in its entirety; and

BE IT FURTHER ORDAINED, by the Council of the City of Danville, Virginia, that Section 7, entitled "Prohibition against certain forms of aggressive solicitation" and the current Section 8, entitled "Solicitation on center median or side of street prohibited", of Chapter 23, entitled "Offenses - Miscellaneous", of the Code of the City of Danville, Virginia is hereby, replaced and reordained as attached hereto, and made apart hereof as if fully set out herein.

Approved:

Mayor

Attest:

City Clerk

Approved as to
Form and Legal Sufficiency:

City Attorney

Sec. 23-7. – ~~Prohibition against certain forms of~~ Aggressive solicitation.

- (a) ~~Definitions. As used in this section, the following words shall have the meanings ascribed to them, unless otherwise clearly indicated in this section:~~

~~Aggressive manner shall mean:~~

- ~~(1) Approaching or speaking to a person, or following a person before, during or after soliciting if that conduct is intended or is likely to cause a reasonable person to fear bodily harm to oneself or to another, or damage to or loss of property or otherwise be intimidated into giving money or other thing of value;~~
- ~~(2) Continuing to solicit from a person after the person has given a negative response to such soliciting;~~
- ~~(3) Intentionally touching or causing physical contact with another person without that person's consent in the course of soliciting;~~
- ~~(4) Intentionally blocking or interfering with the safe or free passage of a pedestrian or vehicle by any means, including unreasonably causing a pedestrian or vehicle operator to take evasive action to avoid physical contact;~~
- ~~(5) Using violent, obscene, abusive or threatening language or gestures toward a person solicited;~~
- ~~(6) Following the person being solicited, with the intent of asking that person for money or other things of value;~~
- ~~(7) Speaking in a volume unreasonably loud under the circumstances;~~
- ~~(8) Soliciting money from anyone who is waiting in line for entry to a building or for another purpose.~~

~~Solicit shall mean asking for money or objects of value, with the intention that the money or object be transferred at that time, and at that place. Soliciting shall include using the spoken, written, or printed word, bodily gestures, signs, or other means with the purpose of obtaining an immediate donation of money or other thing of value or soliciting the sale of goods or services.~~

~~Public place shall mean a place where a governmental entity has title, to which the public or a substantial group of persons has access, including but not limited to any street, highway, parking lot, plaza, transportation facility, school, place of amusement, park, or playground.~~

~~Financial institution shall mean any savings institution, commercial bank, trust company, industrial loan association or credit union defined in the Code of Virginia, Section 6.1-194.2.2, as amended.~~

~~Check cashing business shall mean any business regulated under Code of Virginia, Title 6.1 Chapter 18, as amended, otherwise known as the "Payday Loan Act."~~

~~Automated teller machine shall mean a device, linked to a financial institution's account records, which is able to carry out transactions, including, but not limited to: account transfers, deposits, cash withdrawals, balance inquiries, and mortgage and loan payments.~~

~~Automated teller machine facility shall mean the area comprised of one or more automatic teller machines, and any adjacent space, which is made available to banking customers after regular banking hours.~~

~~(b) — Prohibited acts.~~

- ~~(1) — No person shall solicit in an aggressive manner in any public place.~~
- ~~(2) — No person shall solicit on private or residential property without permission from the owner or other person lawfully in possession of such property.~~
- ~~(3) — No person shall solicit within fifteen (15) feet of public toilets.~~
- ~~(4) — No person shall solicit within fifteen (15) feet of any entrance or exit of any financial institution or check cashing business or within fifteen (15) feet of any automated teller machine without the consent of the owner of the property or another person legally in possession of such facilities. Provided, however, that when an automated teller machine is located within an automated teller machine facility, such distance shall be measured from the entrance or exit of the facility.~~
- ~~(5) — No person shall solicit an operator or other occupant of a motor vehicle while such vehicle is located on any street, for the purpose of performing or offering to perform a service in connection with such vehicle or otherwise soliciting the sale of goods or services. Provided, however, that this paragraph shall not apply to services rendered in connection with emergency repairs requested by the operator or passenger of such vehicle.~~
- ~~(6) — No person shall solicit any operator or occupant of a motor vehicle on a public street in exchange for blocking, occupying, or reserving a public parking space, or directing the operator or occupant to a public parking space.~~
- ~~(7) — No person shall solicit any parked or stopped vehicle.~~
- ~~(8) — No person shall solicit by stating that funds are needed to meet a specific need, when the solicitor has the funds to meet that need, does not intend to use funds to meet that need, or does not have that need.~~
- ~~(9) — No person shall solicit in any public transportation vehicle.~~
- ~~(10) — No person shall solicit within fifteen (15) feet of a public transportation vehicle or within fifteen (15) feet of any public transportation facility or any bus stop.~~
- ~~(11) — No person shall solicit within fifteen (15) feet of any pay telephone, provided that when a pay telephone is located within a telephone booth or other facility, such distance shall be measured from the entrance or exit of the telephone booth or facility.~~
- ~~(12) — No person shall solicit at night.~~
- ~~(13) — No person shall solicit in a group of two (2) or more persons.~~
- ~~(14) — No person shall solicit while under the influence of alcohol or a controlled substance.~~
- ~~(c) — Penalties. Any person violating the provisions of this section shall be guilty of a Class 2 misdemeanor.~~
- ~~(d) — Severance. If any section, sentence, clause, or phrase of this law is held invalid or unconstitutional by any court of competent jurisdiction, it shall in no way affect the validity of any remaining portions of this law.~~

(a) Purpose. Pursuant to the authority granted to the City by the Code of Virginia and its general police powers, the City does hereby adopt the following Section to ensure free and safe access to public areas, to prevent identifiable dangers to persons and property, to prevent delays, to avoid interference with the flow of traffic, to protect persons from fraudulent, intimidatory, and unfair practices, and to regulate the time, place, and manner of activities that could otherwise threaten the public health, safety, and general welfare, while also protecting to the greatest extent possible while maintaining safety, the exercise of First Amendment expression. After thorough study, the City Council finds that aggressive, intimidatory, and fraudulent solicitation in public places interferes with the rights of the public to access, travel upon, and use public property free from obstructionist, intimidatory, and fraudulent conduct which is not constitutionally protected.

(b) Definitions. As used in this Section, the following words shall have the meanings ascribed to them herein, unless otherwise clearly indicated:

Aggressive manner means:

(1) Intimidation. Approaching, speaking to, or following a person in a loud or boisterous manner, or cursing, abusing, or using violent or abusive language directed at a person or his relations, or following a person while continuing to solicit from such person after having been told no, or in any manner constituting disorderly conduct, or in any other manner that is intended or is likely to cause a reasonable person to fear an assault, imminent bodily harm, or the imminent commission of a criminal act upon the person or upon the property in the immediate possession of such person;

(2) Battery. Intentionally touching or causing physical contact with another person without the consent of such person;

(3) Obstructing travel. Intentionally blocking or interfering with the safe or free passage of a pedestrian or vehicle by any means, including unreasonably causing a pedestrian or vehicle operator to take evasive action to avoid physical contact; or

(4) Threats. Using any loud, boisterous, disruptive, violent, abusive, or threatening communication towards a person with the intention of intimidating such person into giving up any thing, regardless of whether such thing has value or not.

Public place means a place where a governmental entity has title, to which the public or a substantial group of persons has access, including but not limited to any street, sidewalk, parking lot, plaza, transportation facility, public building or grounds appurtenant thereto, school, schoolyard, park, or playground.

Solicit means asking or requesting from another any thing, regardless of if such thing has value or not, whether in exchange for a product or service or otherwise, and regardless of if such request is for something immediate or otherwise. Soliciting shall include any medium of communication. Any thing shall include but not be limited to contributions, signatures, and rides.

(c) Enforcement. Enforcement of Subsection (d)(3) – (d)(5) of this Section shall be complaint-driven. Prior to charging any person under Subsection (d)(3) – (d)(5) of this Section, such person shall be given a verbal warning to cease such activity and reasonable time to comply with such warning.

(d) Prohibited conduct while soliciting. It shall be a Class 2 misdemeanor for any person to solicit in a public place in any of the following manners:

(1) Aggressive solicitation. No person shall solicit in an aggressive manner;

(2) Fraudulent solicitation. No person shall solicit in a public place by fraudulently stating that funds are needed to meet a specific need, when the solicitor has the funds to

meet that need, does not intend to use funds to meet that need, or does not have that need;

- (3) *Blocking parking spaces.* No person shall solicit any operator or occupant of a motor vehicle in a public parking lot or on a City street in exchange for blocking, occupying, or reserving a public parking space, or directing the operator or occupant to a public parking space;
- (4) *Near public facilities.* No person shall solicit within fifteen (15) feet of any public lavatory or public water fountain; or
- (5) *Near public transit.* No person shall solicit in any City bus, trolley, or other public transportation vehicle or within fifteen (15) feet of any City transit facility or bus stop.

State Law reference— Stopping vehicle of another, Code of Virginia, § 46.2-818; Boarding or alighting from buses, Code of Virginia, § 46.2-927; Localities may prohibit or regulate distribution of handbills, etc., solicitation of contributions, and sale of merchandise or services on highways within their boundaries or on public roadways and medians, Code of Virginia, § 46.2-931; Disorderly conduct in public places, Code of Virginia, § 18.2-415; Punishment for using abusive language to another, Code of Virginia, § 18.2-416.

Sec. 23-8. – ~~Solicitation on center median or side of street prohibited.~~ Prohibited solicitation and loitering in public.

- ~~(a) Purpose. The purpose of this section is to prevent dangers to persons and property, to prevent delays and to avoid interference with the traffic flow. Intersections that have center medians often are designed to deal with specific traffic flow problems. Any delay or distraction may interfere with traffic planning. Sometimes persons stand near intersections and near traffic lights to contact drivers or passengers in cars that are passing or that are stopped temporarily due to traffic lights.~~

- ~~(b) Definitions. As used in this section, the following terms shall have the following meaning, unless the context clearly indicates that a different meaning is intended:~~

~~Center median means any area in the middle of any street or highway, designed to provide a barrier to keep traffic on one (1) side of the street from going to the other side of the street. A center median may be a raised concrete strip or a grass strip.~~

~~Right-of-way of a street or highway means the right-of-way of any street or highway shall include any sidewalk or other walkway thereon.~~

~~Selling, offering for sale, advertising, soliciting, distributing or distribute means any such activity which involves the delivery of any document, publication or other item or the intent to deliver any document, publication or other item to any occupant of a motor vehicle located on a City street or any such activity which involves the receipt of any money or any item or the intent to receive any money or any item from the occupant of an automobile located on a City street, other than a motor vehicle parked in a designated parking space.~~

- ~~(c) Solicitation from median strip prohibited. No person shall stand or stay on any center median for the purpose of soliciting contributions of any kind for any organization. No person shall stand or stay on any center median strip for the purpose of selling, offering for sale or~~

~~advertising any product, property or service, or for the purpose of disturbing any document or other item.~~

~~(d) Use of center median. Center medians shall be used by any person on foot for only one (1) of the following purposes:~~

~~(1) To deal with an emergency, a person may be on the center median temporarily.~~

~~(2) A pedestrian crossing a street or highway may remain on the center median until it is safe to proceed.~~

~~(e) Solicitation in or from the side of a street. No person shall stand on the right-of-way or at the side of any street or highway for the purpose of soliciting contributions of any kind for any organization from the drivers of motor vehicles and the passengers therein. No person shall stand on the right-of-way or at the side of any street or highway for the purpose of selling, offering for sale or advertising any publication, product, property or service to the drivers of motor vehicles or the passengers therein or to distribute any document or other item to such persons.~~

~~(f) Severability. The provisions of this section are severable. If any provision of this section or the application therefor to any person or circumstance is held invalid, such invalidity shall not affect other provisions or applications of this section which can be given effect without the invalid provision or application.~~

~~(g) Penalty. Any person, firm or corporation violating any provision of this section shall be guilty of a Class 4 misdemeanor. A separate offense shall be deemed committed on each day during or on which a violation occurs or continues.~~

(a) Purpose. Pursuant to the authority granted to the City by the Code of Virginia and its general police powers, the City does hereby adopt the following Section to ensure the free and safe passage of pedestrians and vehicles on the public rights-of-way, to ensure free and safe access to public areas, to prevent identifiable dangers to persons and property, to prevent delays, to avoid interference with the flow of traffic, and to regulate the time, place, and manner of activities that could otherwise threaten the public health, safety, and general welfare, while also protecting to the greatest extent possible while maintaining safety, the exercise of First Amendment expression. After thorough study, the City Council finds that certain center medians and unimproved rights-of-way are only designed to deal with specific traffic flow problems. Any delay or distraction to motor vehicle traffic may interfere with traffic planning, including delays or distractions from pedestrians communicating with or attempting to communicate with drivers or passengers in vehicles that are passing or that are stopped temporarily due to traffic lights.

(b) Definitions. As used in this Section, the following words shall have the meanings ascribed to them herein, unless otherwise clearly indicated:

Center median means any area in the middle of any street, designed to provide a barrier to keep traffic on one (1) side of the street from going to the other side of the street. A center median may be a raised concrete strip or a grass strip, whether traversable or non-traversable.

Hazardous center median means any of the following:

(1) Narrow area. Any portion of a center median with an unobstructed clearance width of six feet (6 ft.) or less, excluding the curb;

(2) Steep grade. Any portion of an unpaved center median with an internal grade of ten degrees (10) or greater;

- (3) Reduced visibility. Any portion of a center median located within fifteen feet (15 ft.) of a bridge or tunnel;
- (4) Drainage area. Any portion of a center median upon which storm drainage facilities or other improvements are located;
- (5) High-speed traffic. Any center median located between roads upon which motor vehicle traffic is permitted to travel at thirty-five miles per hour (35 MPH) or greater; and
- (6) Investigation. Any center median determined by the City Manager to be unsafe for pedestrians to loiter or otherwise remain upon, based on the results of a traffic investigation conducted by the City Engineer in which actual evidence of hazards is documented; provided such center median is identified as such with appropriate signage.

Hazardous right-of-way means any of the following:

- (1) Narrow area with curb. Any unpaved right-of-way adjacent to a street and separated by a curb where the unobstructed right-of-way is less than six feet (6 ft.) in width excluding the curb
- (2) Narrow area without curb. Any unpaved right-of-way adjacent to a street and not separated by a curb with an unobstructed clearance width of ten feet (10 ft.) or less;
- (3) Steep grade. Any unpaved right-of-way adjacent to a street with a grade of ten degrees (10) or greater;
- (4) Reduced visibility. Any unpaved right-of-way adjacent to a street when such right-of-way is alongside a curve in such street or near the crest of a grade in such street;
- (5) High speed traffic. Any unpaved right-of-way adjacent to a street located alongside roads upon which motor vehicle traffic is permitted to travel at thirty-five miles per hour (35 MPH) or greater;
- (6) Guardrails. Any unpaved right-of-way adjacent to a street and protected by a guardrail; and
- (7) Investigation. Any right-of-way adjacent to a street determined by the City Manager to be unsafe for pedestrians to loiter or otherwise remain upon, based on the results of a traffic investigation conducted by the City Engineer in which actual evidence of hazards is documented; provided such center median is identified as such with appropriate signage.

Loiter means stand around, sit or lie in or upon, occupy, or otherwise remain on, or to park or remain parked in a motor vehicle upon, or to collect, gather, congregate, or be a member of a group or a crowd of people, while in a public place and while also simultaneously engaging in any conduct prohibited by this Section or other law, whether individually or collectively.

Public place means a place where a governmental entity has title, to which the public or a substantial group of persons has access, including but not limited to any street, sidewalk, parking lot, plaza, transportation facility, public building or grounds appurtenant thereto, school, schoolyard, park, or playground.

Right-of-way adjacent to a street means the right-of-way of any public street and shall include any sidewalk or other walkway thereon, whether paved or unpaved.

Solicit means asking or requesting from another any thing, regardless of if such thing has value or not, whether in exchange for a product or service or otherwise, and regardless of if such request is for something immediate or otherwise. Soliciting shall include any medium of communication. Any thing shall include but not be limited to contributions, signatures, and rides.

Street means the entire width of a road or street that is improved, designed, or ordinarily used for motor vehicle travel, including the shoulder thereof.

(c) Administration.

(1) Enforcement. Enforcement of this Section shall be complaint-driven. Prior to charging any person under this Section, such person shall be given a verbal warning to cease such activity and reasonable time to comply with such warning. Unless otherwise stated herein, a violation of this Section shall constitute a Class 3 Misdemeanor.

(2) Signs. The City Manager is hereby authorized to install appropriate signage to assist in the enforcement of this Section.

(d) City Streets. No person shall occupy a City street for any of the following purposes:

(1) Solicitation. To solicit any thing of any nature from any driver of a motor vehicle and any passenger therein;

(2) Advertisement. To sell, offer for sale, distribute, or advertise any publication, handbill, leaflet, bulletin, literature, advertisement, product, property, or service to the drivers of motor vehicles or the passengers therein, regardless of the content thereof; or

(3) Loitering. To loiter, so as to unreasonably hinder or obstruct the free and normal flow or passage of any pedestrian or vehicle thereon, including but not limited to at any bridge, crosswalk, driveway, curb cut, loading zone, parking space, bus stop, or the entrance to private or public property.

(e) Hazardous center medians. No person shall occupy a hazardous center median except for the following purposes:

(1) Emergencies. To temporarily escape from or deal with a vehicle accident, vehicle breakdown, or other emergency;

(2) Travel. To cross a street, including waiting until it is safe to proceed across such street;

(3) Repairs. To repair, maintain, or survey such center median, or any pipe, cable, or other infrastructure buried thereunder, in accordance with law; or

(4) Law enforcement. To engage in law enforcement activities or emergency response in accordance with law.

(f) Hazardous rights-of-way. No person shall occupy any hazardous right-of-way except for the following purposes:

(1) Emergencies. To temporarily escape from or deal with a vehicle accident, vehicle breakdown, or other emergency;

- (2) *Travel.* To travel along such right-of-way in a safe and expedient manner;
- (3) *Repairs.* To repair, maintain, or survey such right-of-way or any pipe, cable, or other infrastructure buried thereunder, in accordance with law; or
- (4) *Law enforcement.* To engage in law enforcement activities or emergency response in accordance with law.
- (g) *Sidewalks.* No person shall occupy a public sidewalk for the purpose of soliciting from pedestrians or loitering, if doing so shall unreasonably hinder or obstruct the free and normal flow or passage of pedestrians thereon, including but not limited to at any bridge, crosswalk, driveway, curb cut, loading zone, parking space, bus stop, bicycle rack, or the entrance to private or public property.
- (h) *City property.* No person shall loiter upon or at any City park, building, facility, or property other than a public right-of-way, during any time at which such property is closed to the general public, provided that such hours are adequately posted by appropriate signage near the entrances to such property.
- (i) *Private property.* No person shall loiter upon or at any private property, during any time or in any manner that is prohibited to members of the general public, provided that such time or manner is adequately posted by appropriate signage near the entrances to such property.

State Law reference— Stopping vehicle of another, Code of Virginia, § 46.2-818; Pedestrians not to use roadway except when necessary, Code of Virginia, § 46.2-928; Pedestrians soliciting rides, Code of Virginia, § 46.2-929; Loitering on bridges or highway rights-of-way, Code of Virginia, § 46.2-930; Localities may prohibit or regulate distribution of handbills, etc., solicitation of contributions, and sale of merchandise or services on highways within their boundaries or on public roadways and medians, Code of Virginia, § 46.2-931; Regulation by ordinance in counties, cities, and towns, Code of Virginia, § 46.2-935.

Council Letter

City of Danville, Virginia



CL - 817

NEW BUSINESS J.

City Council REGULAR MEETING

Meeting Date: September 19, 2023

Subject: Consideration of Approving a Policy on Collective Bargaining.

From: W. Clarke Whitfield Jr., City Attorney

COUNCIL ACTION

A Resolution of the City of Danville, Virginia Regarding City Employee-Management Relations And Collective Bargaining.

SUMMARY

This resolution sets out the City Council's policy on collective bargaining. It prohibits any official, employee, appointee, or agent of the City, vested with or possessing any authority, to recognize any labor union or other employee association or organization as a bargaining agent of any City officers or employees, or to collectively bargain or enter into any collective bargaining contract.

While the resolution prohibits collective bargaining, this resolution sets forth the Council's policy of promoting orderly and constructive relationships between the City and its employees, in support of its responsibility to residents to provide for their health, safety, welfare, and uninterrupted operations and functions of government. It places on the City Manager the responsibility to develop, promote, and maintain written policies and procedures to enhance positive employee relations and allow for input of staff in personnel policy decision-making whenever reasonable and feasible, in his sole and final determination.

BACKGROUND

Effective May 1, 2021, the General Assembly, through Code § 40.1-57.2, authorized local governments with the authority to recognize labor unions or other employee associations and to collectively bargain or enter into any collective bargaining contract with any such union or association. The attached resolution is modeled on others that have been approved throughout the Commonwealth.

RECOMMENDATION

It is recommended that City Council approve the attached resolution setting forth its policy on collective bargaining.

Attachments

1. Resolution
-

PRESENTED: _____

ADOPTED: _____

RESOLUTION NO. 2023-_____-_____

A RESOLUTION OF THE CITY OF DANVILLE, VIRGINIA REGARDING CITY
EMPLOYEE-MANAGEMENT RELATIONS AND COLLECTIVE BARGAINING.

WHEREAS, effective May 1, 2021, Virginia Code § 40.1-57.2 provides that, no state, county, city, town, or like governmental officer, agent, or governing body is vested with or possesses any authority to recognize any labor union or other employee association as a bargaining agent of any public officers or employees, or to collectively bargain or enter into any collective bargaining contract with any such union or association or its agents with respect to any matter relating to them or their employment or service unless, in the case of a county, city, or town, such authority is provided for or permitted by a local ordinance or by a resolution; and

WHEREAS, the City of Danville, Virginia (the "City") has not adopted an ordinance or resolution establishing authority to recognize bargaining agents for its employees, or to collectively bargain, or to negotiate and enter into collective bargaining agreements; and

WHEREAS, the Council of the City of Danville (the Council), understanding its option to enable collective bargaining under state law, finds it in the public interest generally and in the interest of all the City's employees to set forth its policy and position regarding employee-management relations generally and relating to collective bargaining in particular; and

WHEREAS, it is the policy of the City to promote a positive workplace environment for its employees and open doors to management where employee concerns may be heard and addressed; and

WHEREAS, it is further the policy of the City to promote a dedicated and high-performing workforce that supports the City's responsibility to the health, safety, and welfare of its residents and the uninterrupted operations and functions of government; and

WHEREAS, the City Council recognizes that the establishment of reasonable means and procedures for employees to address the terms and conditions of their employment with management is essential to the advancement of the above policies and goals.

NOW, THEREFORE, BE IT HEREBY RESOLVED by the Council of the City of Danville Virginia as follows:

A. Statement of Policy: It is the public policy of the Council to promote orderly and constructive relationships between the City and its employees in support of its responsibility to residents to provide for their health, safety, welfare, and the uninterrupted operations and functions of government. Understanding that unresolved differences between the City and its employees may be detrimental to those public service goals and to the interests of City employees, the Council commits to maintaining reasonable means and processes for their speedy and effective resolution.

B. Employee-Management Relations: To advance the public policy set forth in Section A, the City Manager shall continue to develop, promote and maintain written policies and procedures, consistent with applicable law, to enhance positive employee relations, including but not necessarily limited to establishing and encouraging use of channels for individual employee communication with supervisors, managers and/or the City Manager; developing informal dispute resolution procedures; and allowing for input of staff in personnel policy decision making whenever reasonable and feasible in the sole and final determination of the City Manager/designee and pursuant to procedures established by the City Manager. The policies specified here shall apply with respect to matters not covered by

the City's employee grievance procedure adopted in compliance with applicable state law requirements.

BE IT FURTHER RESOLVED by the Council of the City of Danville, pursuant to Virginia Code § 40.1-57.2, collective bargaining is not authorized in the City, and no official, employee, appointee, or agent of the City is vested with or possesses any authority to recognize any labor union or other employee association or organization as a bargaining agent of any City officers or employees, or to collectively bargain or enter into any collective bargaining contract with any such union or association or organization or its agents with respect to any matter relating to them or their employment or service.

BE IT FINALLY RESOLVED by the Council of the City of Danville, as used in this Resolution, the following terms shall have the meanings set forth below:

Collective Bargaining means the performance, by mutual obligation, of an employer, by its representatives, and the exclusive bargaining representative of employees to meet and negotiate in good faith with the intention of reaching an agreement governing any matter(s) relating to the employees' terms and conditions of employment.

Collective bargaining agreement means the written legal contract between an employer that engages in collective bargaining and an exclusive bargaining agent representing employees generally or employees in a particular group or unit, resulting from collective bargaining.

Employee association or organization means an organization, including a labor union, in which employees participate and that exists for the purpose, in whole or in part, of representing employees in collective bargaining concerning terms and conditions of employment.

Exclusive bargaining representative and *exclusive bargaining agent* mean an employee association or organization recognized by an employer that engages in collective bargaining as the only organization authorized to bargain collectively for all employees in a particular group or unit.

APPROVED:

Mayor

ATTEST:

City Clerk

Approved as to
Form and Legal Sufficiency:

City Attorney