



DANVILLE CITY COUNCIL REGULAR MEETING AGENDA

MUNICIPAL BUILDING

September 17, 2024

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 at www.danvilleva.gov/council or by contacting the Office of the City Clerk, 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 - VICE MAYOR GARY P. MILLER

PLEDGE OF ALLEGIANCE TO THE FLAG

ANNOUNCEMENTS AND SPECIAL RECOGNITION

A. Presentation: Virginia Association of Chiefs of Police Lifesaving and Valor Awards

By: Police Chief Chris Wiles

CONSENT AGENDA

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

PUBLIC HEARING

A. Consideration of Approval of Minutes from Regular Council Meeting held on August 20, 2024.
Council Letter Number CL - 1581.

B. Consideration of Amending the Fiscal Year 2025 Budget Appropriation Ordinance for Older Americans Act Grant Funding in the Amount of \$422,447.
Council Letter Number CL - 1526.

An Ordinance Amending the Fiscal Year 2025 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.

Final Adoption

C. Consideration of Amending the Fiscal Year 2025 Budget Appropriation Ordinance for State Aviation Capital Funding.
Council Letter Number CL - 1532.

An Ordinance Amending the Fiscal Year 2025 Budget Appropriation Ordinance to Provide for State Aviation Capital Grant Funding to Complete Site Prep Construction Projects and Design Services for Improvements at the Danville Regional Airport in the Amount of \$3,514,729 and for the Local Share in the Amount of \$392,741 for a Total of \$3,907,470 and Appropriating the Same.

Final Adoption

NEW BUSINESS

A. Review of General Fund Financials as of August 31, 2024.
Council Letter Number CL - 1439.

B. Consideration of a Land lease Agreement to Support Air Ambulance Operations.
Council Letter Number CL - 1550.

1. Public Hearing

2. A Resolution Approving the Request of the Air Methods Corporation for the City of Danville to Enter into a Land Lease Agreement to Construct a Modular Building at the Danville Regional Airport to Support Air Ambulance Operations.

- C. Consideration of Adopting an Arts and Culture Plan for the City of Danville.
Council Letter Number CL - 1489.

A Resolution Authorizing the Adoption of the Arts and Culture Plan of the City of Danville, Virginia.

- D. Consideration of Amending the Danville City Code to add the Public Arts Commission.
Council Letter Number CL - 1570.

An Ordinance Repealing and Reordaining in its Entirety Article XIV., Entitled "Tourism Board", of Chapter 2., Entitled "Administration", of the Code of the City of Danville, Virginia, 1986, As Amended by Adding a New Article XIV., Entitled "Danville Public Arts Commission".

- E. Consideration of a Resolution Endorsing a Virginia Department of Transportation Project Funding Application by Pittsylvania County.
Council Letter Number CL - 1551.

A Resolution of the City Council of the City of Danville, Virginia Endorsing a Virginia Department of Transportation Project Funding Application by Pittsylvania County, Virginia for Design and Construction of Orphanage Road / Franklin Turnpike Signal.

- F. Consideration of Authorizing the City Manager to Enter into an Agreement with American Municipal Power to Purchase Renewable Energy Credits.
Council Letter Number CL - 1561.

A Resolution Authorizing the City Manager to Enter into an Agreement with American Municipal Power to Purchase Renewable Energy Credits.

COMMUNICATIONS FROM VISITORS

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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 - 1581

CONSENT AGENDA A.

City Council REGULAR MEETING

Meeting Date: September 17, 2024

Subject: Approval of Meeting Minutes.

From: Susan DeMasi, City Clerk

COUNCIL ACTION

Consideration of Approval of Minutes from Regular Council Meeting held on August 20, 2024.

Attachments

1. Meeting Minutes
-

August 20, 2024

The Second Regular August meeting of the Danville City Council was held on August 20, 2024, 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, Sherman M. Saunders, J. Lee Vogler, Jr., and Madison J.R. Whittle (9). *Mr. Whittle entered the meeting at 7:03 p.m.*

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

Mayor Jones presided.

INVOCATION AND PLEDGE OF ALLEGIANCE

Council Member L.G. "Larry" Campbell, Jr., gave the Invocation followed by the Pledge of Allegiance.

Mayor Jones welcomed everyone in Chambers, those watching from home, and asked everyone to join him in wishing Council Member Saunders a very happy birthday. Mayor Jones congratulated members of the school board for the climbing numbers in math and reading scores.

CONSENT AGENDA

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

Approval of Minutes from Regular Council Meeting held on July 16, 2024. Draft copies of the minutes had been distributed prior to the meeting.

Amending the Fiscal Year 2025 Budget Appropriation Ordinance for the Creative Communities Art Grant

An Ordinance entitled Ordinance No. 2024-08.08, Amending the Fiscal Year 2025 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.

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

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

NEW BUSINESS

REVIEW OF GENERAL FUND FINANCIALS AS OF JUNE 30, 2024

Chief Financial Officer Michael Adkins noted these were the preliminary results for Fiscal Year 2024. All material adjustments have been made but there were adjustments that will need to be made throughout the end of August; those were usually immaterial. As anticipated, based on previous reports, revenues did very well with many coming in over budget. The anticipated addition to unrestricted fund balance was over \$13M. The most profound savings were related to personnel costs; it was the largest sector of the budget when it comes to expenditures. Staff

does budget for all positions to be filled, but also budgets for some vacancy and attrition savings. For this past year, they budgeted 98% of a full slate; the actual expenditures came in at 94%. That difference created about \$2.4M in personnel cost and benefit savings related to that; those savings went to fund balance.

Under revenues, casino revenues were budgeted at \$15M and actual revenues came in just under \$21M; this added \$5.7M of excess revenue to the fund balance. When staff developed the Fiscal 24 budget, interest rates were around 2.5%, and the Federal Reserve did several increases to interest rates throughout Fiscal 24. Currently, the City was earning 4% to 5% off investments, as they did during all of Fiscal 2024. This resulted in a budget of \$3.5M and actual interest revenue of \$5.3M for last year, producing \$1.8M over expected results that went to fund balance. Sales tax, as mentioned in the past, was budgeted for FY24 at \$11.9M, actual results were \$13.1M, that variance of \$1.2M also adds to the fund balance. Meals tax was budgeted at \$11.4M, actual results were \$12.4M; adding \$1M to the fund balance. Lodging tax was budgeted at \$2.5M, the City has seen record amounts of stays over the last year; the actual results were \$3.2M, adding \$700K in excess revenues to the fund balance. Business licenses were budgeted at \$7.5M, actual results were \$7.9M, adding \$500K to the fund balance. All together that comes to \$13M being added to fund balance this year.

Mr. Adkins explained the fund balance policy was 20% of budgeted revenues, and the Fiscal Year 2025 budget was about \$164.6M; 20% of that was \$33M. The year started at \$37M, they will add a little more than \$13M to that and will end the year with \$51M in the fund balance; that was 31% of the current budget; this represents a cushion of about \$18M. Mr. Adkins noted this may be the time to seriously discuss increasing the fund balance fiscal policy; he will be following up with the City's financial advisors. The City was currently rated AA-, and he wanted to see policies for AA, AA+ and AAA cities in the Commonwealth to see how Danville's fund balance policy compares to theirs. Mr. Adkins noted these results do not impact the current year's budget. When the current Fiscal 25 budget was prepared, they looked at actual results as they were coming in, and fine-tuned as they developed the budget. As they find their correct balance between maybe increasing the fund balance policy and how much buffer was really needed, it may provide Council with the option of using some fund balance during the year if a special project or special need arose, as a one-time funding option. Mr. Adkins noted the auditors will be showing up in a few weeks to review the City's work.

Mayor Jones recognized Dr. Angela Hairston, Superintendent of Danville Public Schools, who addressed Council about a recent press release from the Governor showing recovery in education across the state, post COVID. Two city schools were past state average in SOLs with Galileo at 90 and 94% passing rates, along with Forest Hills exceeding at math, reading, and science state pass rates. Significant gains were seen at George Washington, Westwood, Bonner, Schoolfield, and technology gains at Park Avenue. Accreditation results come out in September, and they know those will affect the accreditation rates in a positive way. Dr. Hairston thanked Council for their encouragement, support, and investment in education along with their constant reminder that students matter.

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

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

RESOLUTION NO. 2024-08.14

August 20, 2024

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

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

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

CONSIDERATION OF SUPPORT OF THE WILLIAMS COMPANY SOUTHEAST SUPPLY ENHANCEMENT NATURAL GAS PROJECT

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

RESOLUTION NO. 2024-08.15

A RESOLUTION SUPPORTING THE WILLIAMS COMPANY'S (WILLIAMS) PROPOSED EFFORTS TO CONSTRUCT THE SOUTHEAST SUPPLY ENHANCEMENT (SSE) PROJECT IN THE DANVILLE-PITTSYLVANIA COUNTY REGION.

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

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

CONSIDERATION OF APPROVAL OF THE DANVILLE-PITTSYLVANIA COMMUNITY SERVICES PERFORMANCE CONTRACT

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

RESOLUTION NO. 2024-08.16

A RESOLUTION APPROVING THE FISCAL YEAR 2024 AND THE FISCAL YEAR 2025 PERFORMANCE CONTRACT FOR DANVILLE-PITTSYLVANIA COMMUNITY SERVICES.

The Motion was **seconded** by Vice Mayor Miller and carried by the following vote:

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

CONSIDERATION OF A RESOLUTION IN SUPPORT OF THE IDA'S APPLICATION TO THE VIRGINIA TOBACCO REGION REVITALIZATION COMMISSION'S SOUTHERN VIRGINIA PROGRAM

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

RESOLUTION NO. 2024-08.17

A RESOLUTION IN SUPPORT OF THE INDUSTRIAL DEVELOPMENT AUTHORITY OF DANVILLE, VIRGINIA'S APPLICATION TO THE VIRGINIA TOBACCO REGION REVITALIZATION COMMISSION'S SOUTHERN VIRGINIA PROGRAM AND MATCHING SAID GRANT REQUEST.

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

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

CONSIDERATION OF AMENDING THE FISCAL YEAR 2025 BUDGET APPROPRIATION ORDINANCE FOR A DCJS GRANT FOR THE OFFICE OF VIOLENCE PREVENTION

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

ORDINANCE NO. 2024-08.09

AN ORDINANCE AMENDING THE FISCAL YEAR 2025 BUDGET APPROPRIATION ORDINANCE BY INCREASING REVENUE FROM VIRGINIA DEPARTMENT OF CRIMINAL JUSTICE SERVICES – FISCAL YEAR 2025 FIREARM VIOLENCE INTERVENTION AND PREVENTION GRANT PROGRAM IN THE AMOUNT OF \$142,000 AND APPROPRIATING THE SAME.

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

CONSIDERATION OF AMENDING THE FISCAL YEAR 2025 BUDGET APPROPRIATION ORDINANCE FOR A VIRGINIA DEPARTMENT OF CONSERVATION AND RECREATION GRANT FOR WHITE MILL DAM REMOVAL

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

ORDINANCE NO. 2024-08.10

AN ORDINANCE AMENDING THE FISCAL YEAR 2025 BUDGET APPROPRIATION ORDINANCE BY INCREASING REVENUE FROM VIRGINIA DEPARTMENT OF CONSERVATION AND RECREATION - DAM SAFETY, FLOOD PREVENTION AND PROTECTION ASSISTANCE GRANT PROGRAM IN THE AMOUNT OF \$250,000 AND A LOCAL SHARE IN THE AMOUNT OF \$250,000 FOR A TOTAL APPROPRIATION OF \$500,000 AND APPROPRIATING THE SAME.

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

CONSIDERATION OF AMENDING THE FISCAL YEAR 2025 BUDGET APPROPRIATION ORDINANCE FOR A DEPARTMENT OF CRIMINAL JUSTICE JAG GRANT TO PURCHASE EQUIPMENT SHIELDS

August 20, 2024

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

ORDINANCE NO. 2024-08.11

AN ORDINANCE AMENDING THE FISCAL YEAR 2025 BUDGET APPROPRIATION ORDINANCE BY INCREASING REVENUE FROM VIRGINIA DEPARTMENT CRIMINAL JUSTICE SERVICES – FISCAL YEAR 2024 BYRNE/JAG LAW ENFORCEMENT EQUIPMENT GRANT IN THE AMOUNT OF \$12,000 AND A LOCAL SHARE IN THE AMOUNT OF \$4,000 FOR A TOTAL APPROPRIATION OF \$16,000 AND APPROPRIATING SAME.

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

CONSIDERATION OF AMENDING THE FISCAL YEAR 2025 BUDGET APPROPRIATION ORDINANCE FOR A DEPARTMENT OF CRIMINAL JUSTICE SCHOOL RESOURCE OFFICER GRANT

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

ORDINANCE NO. 2024-08.12

AN ORDINANCE AMENDING THE FISCAL YEAR 2025 BUDGET APPROPRIATION ORDINANCE BY INCREASING REVENUE FROM VIRGINIA DEPARTMENT CRIMINAL JUSTICE SERVICES – FISCAL YEAR 2025 SCHOOL RESOURCE OFFICER GRANT PROGRAM IN THE AMOUNT OF \$103,415 AND A LOCAL SHARE IN THE AMOUNT OF \$32,855 FOR A TOTAL APPROPRIATION OF \$136,270 AND APPROPRIATING SAME.

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

COMMUNICATIONS FROM VISITORS

Mayor Jones recognized Cherie Tamson, 528 S. Woodberry Avenue, who handed out information to Council related to tax money that was being distributed to the Danville Area Humane Society, including a letter of support sent to DAHS from Best Friends. Ms. Tamson pointed out items that were free versus those that were not and questioned if tax dollars paid for those items.

Mayor Jones recognized Katie Fine, 419 Live Oak Street, Kyle, TX, senior campaign strategist for Best Friends Animal Society and Danville Deserves Better campaign, who spoke to Council about programmatic resources available to help assist the shelter. She reviewed the letter of support offering assistance to the shelter; the assistance in that letter still stands. Ms. Fine discussed adoption, spay/neuter, and fostering programs.

Mayor Jones recognized Deborah Dix, 433 Downing Drive, Danville, who addressed Council about the contract with the Danville Humane Society and the 83% failure rate of the shelter. Ms. Dix stated the Dan River has PFAS, which was a forever chemical, and also spoke about radon gas and the importance of monitoring those levels.

Mayor Jones recognized Dr. Laura Luffman, Veterinarian at Animal Medical Center, previous board member at DAHS, and Shelter Veterinarian of the Danville Animal Humane Society, who spoke to Council about the services she provides to DAHS, and the work that was done at the

shelter. Dr. Luffman noted the biggest problem was people not spaying or neutering their animals. The DAHS has offered free spay and neutering in the past, but citizens do not take advantage of it; the goal should be to stop the overall population of unwanted pets.

Mayor Jones recognized Claudette Robinson, 223 Riverview Drive, attorney for DAHS, who spoke to Council about the credibility of Paulette Dean and how she was being villainized by the Best Friends Animal Society. Ms. Dean was a true public servant who was on call 24/7 to respond to law enforcement, and she was being villainized for a policy that was the smart policy. Ms. Robinson reviewed examples of the shelter caring for pets while the owners were going through issues like mental health, domestic violence, and prison time.

Mayor Jones stated that he has asked the City Manager, City Attorney, and the Public Information Officer to work with him to draw up something regarding bullying. Mayor Jones thanked those who came to speak this evening and stated this was a society where people can agree to disagree; what has taken place in this community was very unfortunate. Everyone has a right to his or her opinion but when it gets to the point of attacking a person's character or threats to individuals, that was something they don't do in Danville. Mayor Jones noted everyone cares about the animals and so does Council, and encouraged citizens to agree to disagree, not to attack the character of staff. Mayor Jones stated if citizens love the animals so much, try loving one another the same way.

COMMUNICATIONS

City Manager Ken Larking thanked the Mayor for his comments.

There were no communication from the Deputy City Manager or City Attorney.

City Clerk Susan DeMasi wished Council Member Saunders a happy birthday.

Vice Mayor Miller wished happy birthday to Council Member Saunders and congratulated the schools on the new test scores.

Council Member Saunders stated he appreciated people who expressed their ideas. Mr. Saunders thanked Council for what they were doing in the city, they were doing a lot, noted his appreciation of the City Manager for managing the city well, and thanked the citizens for coming and speaking, Council was listening.

Council Member Vogler wished Council Member Saunders a happy birthday, thanked everyone in chambers tonight, and those who came up to the podium to speak. This was a very emotional and passionate issue that has a variance in opinions regarding the best path forward. As leaders, they hear all the feedback and information from everyone and try to do their best to make an informed decision. Mr. Vogler congratulated Galileo and Forest Hills for their achievements, and commented on activities going on in the community.

Council Member Whittle stated that he believed there was a spot in the middle that everyone can work from and the more information that was available, the more informed decisions can be made. Mr. Whittle thanked everyone who came out and spoke tonight. The school system was moving in the right direction and thanked the superintendent and school board for that.

Council Member Buckner thanked the Mayor for his earlier comments on bullying. Mr. Buckner noted there will be an event held at the Danville Museum for Fine Art entitled Double Exposure:

August 20, 2024

Photographers Emmet Gowin and Glen Scarboro, starting September 6 from 6:00 pm to 8:00 pm; the exhibit will be open until November 1.

Council Member Campbell thanked the Mayor for what he said, they have a great city and a great community. Rev Campbell wished Mr. Saunders a happy birthday, and congratulated Dr. Hairston and her team for the increase in accreditation. Rev Campbell wished everyone a safe and enjoyable Labor Day.

Council Member Hood wished Council Member Saunders a happy birthday, and noted it was great to see an uptick in DPS test scores.

Council Member Mayo wished Council Member Saunders a happy birthday, thanked the Mayor for what he said and thanked the citizens for coming out tonight; Council listens and hears their concerns.

Mayor Jones wished Council Member Saunders a happy birthday, and thanked Dr. Hairston on behalf of Council for the established partnership between Council and DPS.

ADJOURNED: 8:06 p.m.

APPROVED:

MAYOR

ATTEST:

CITY CLERK

Council Letter City of Danville, Virginia



CL - 1526

CONSENT AGENDA B.

City Council REGULAR MEETING

Meeting Date: September 17, 2024

Subject: Consideration of Amending the Fiscal Year 2025 Budget Appropriation Ordinance for Older Americans Act Grant Funding in the Amount of \$422,447.

From: Marc Adelman, Director of Transportation Services

COUNCIL ACTION

An Ordinance Amending the Fiscal Year 2025 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.

Final Adoption

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, 2023, through June 30, 2024, senior ridership increased to 14,729 one-way trips compared to 12,668 trips that were completed the previous year. However, passenger activity remains low compared to the period prior to the pandemic when 18,000 to 20,000 senior 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, 2024, through September 30, 2025, in the amount of \$49,773. In addition, this request applies to the appropriation of \$22,444 in State Transportation funds and Program income of \$300 for Transportation Services. The funding level for FY25 has been reduced by \$22,500 compared to funds appropriated the previous year. The Ordinance includes an appropriation for in-kind services for the Title III-B Older Americans Act Grant in the amount of \$349,929. 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 2025.

Attachments

1. Ordinance
-

PRESENTED: _____

ADOPTED: _____

ORDINANCE NO. 2024____.

AN ORDINANCE AMENDING THE FISCAL YEAR 2025 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 2025 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 \$49,773; 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, 2024, and ending September 30, 2025; \$300 program income and \$349,929 In-Kind Services for a total of \$422,447, and appropriating such funds within the Special Grants Fund, such revenue and appropriations to be as follows:

ANTICIPATED REVENUE

<u>Description</u>	<u>Account No.</u>	<u>Amount</u>
Categorical Aid – Federal:		
Older Americans Act		
Title III-B Funds (FY24-25)	61985000-48050	\$ 72,218
Local Share:		
Older Americans Act		
Title III-B Program Income (FY24-25)	61986000-44650	300
Title III-B In Kind (FY24-25)	61987000-44890	349,929
	TOTAL	<u>\$ 422,447</u>

ANTICIPATED EXPENDITURES

<u>Description</u>	<u>Account No.</u>	<u>Amount</u>
Older Americans Act Title III-B (FY24-25):		
Salary and Wages	61985000-51200	\$ 22,500
FICA	61985000-51450	1,721
Mass Transit Services	61985000-52660	47,997
	Subtotal	\$ 72,218

<u>Description</u>	<u>Account No.</u>	<u>Amount</u>
Older Americans Act Title III-B Program Income (FY24-25):		
Mass Transit Services	61986000-52660	300
	Subtotal	\$ 300

<u>Description</u>	<u>Account No.</u>	<u>Amount</u>
Older Americans Act Title III-B In Kind (FY24-25):		
Postage	61987000-54050	\$ 903
Telephone	61987000-54100	1,400
Travel/Training Expense	61987000-54900	1,833
Office Supplies	61987000-55820	1,000
Salary and Wages	61987000-59500	310,000
FICA	61987000-59510	23,058
Outside Services	61987000-59610	550
Print Shop	61987000-59620	3,000
Lease/Rent Buildings	61987000-59670	8,185
	Subtotal	\$349,929
	TOTAL	\$422,447

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

BE IT FINALLY ORDAINED that all other accounts and provisions of the Fiscal Year 2025 Budget Appropriation Ordinance, as amended, not hereby amended, shall continue in full force and effect unless and until hereafter further amended or repealed.

Approved:

Mayor

Attest:

City Clerk

Approved as to
Form and Legal Sufficiency:

City Attorney

Council Letter City of Danville, Virginia



CL - 1532

CONSENT AGENDA C.

City Council REGULAR MEETING

Meeting Date: September 17, 2024

Subject: Consideration of Amending the Fiscal Year 2025 Budget Appropriation Ordinance for State Aviation Capital Funding.

From: Marc Adelman, Director of Transportation Services

COUNCIL ACTION

An Ordinance Amending the Fiscal Year 2025 Budget Appropriation Ordinance to Provide for State Aviation Capital Grant Funding to Complete Site Prep Construction Projects and Design Services for Improvements at the Danville Regional Airport in the Amount of \$3,514,729 and for the Local Share in the Amount of \$392,741 for a Total of \$3,907,470 and Appropriating the Same.

Final Adoption

SUMMARY

The Virginia Department of Aviation has recommended funding for site prep construction and design service projects to support the construction of the Aviation Training Facility and development of corporate hangars located in the T-hangar building area and adjacent to the south ramp.

BACKGROUND

Last fiscal year, the Virginia Department of Aviation provided funding for site prep design services related to the aviation training facility and for future corporate hangar development in the t-hangar building area. The planned aviation training facility includes an area to construct a 12,532 square foot building and an 80' x 80' hangar. This fiscal year, the Virginia Department of Aviation also approved funding to complete site prep construction work for these projects as well as funding for site prep design services to support the future construction of a 12,000 square foot hangar, 30-space parking lot and access road that would be located adjacent to the south ramp. Additional state funding was also recommended to finance the cost of extra design services required for the aviation training facility site to support storm water improvements for the project.

RECOMMENDATION

It is recommended that City Council approve the attached Budget Appropriation Ordinance appropriating state aviation grant funds to complete site prep construction work activities and design services for development projects at the Danville Regional Airport.

Attachments

1. Ordinance
 2. Approved Aviation Projects - August 2024
-

PRESENTED: _____

ADOPTED: _____

ORDINANCE NO. 2024____.

AN ORDINANCE AMENDING THE FISCAL YEAR 2025 BUDGET APPROPRIATION ORDINANCE TO PROVIDE FOR STATE AVIATION CAPITAL GRANT FUNDING TO COMPLETE SITE PREP CONSTRUCTION PROJECTS AND DESIGN SERVICES FOR IMPROVEMENTS AT THE DANVILLE REGIONAL AIRPORT IN THE AMOUNT OF \$3,514,729 AND FOR THE LOCAL SHARE IN THE AMOUNT OF \$392,741 FOR A TOTAL OF \$3,907,470 AND APPROPRIATING THE SAME.

WHEREAS, the Virginia Department of Aviation recommended funding to complete improvement projects for the Danville Regional Airport; and

WHEREAS, the planned projects support future development objectives at the Danville Regional Airport; and

WHEREAS, the Virginia Aviation Board has approved state funding to complete site prep construction projects and site prep engineering services for the aviation training facility project and future corporate hangar development.

NOW THEREFORE, BE IT ORDAINED by the Council of the City of Danville, Virginia that the Fiscal Year 2025 Budget Appropriation Ordinance be, and it is hereby, amended by increasing revenues for grants from the Virginia Department of Aviation in the amount of \$3,514,729 with a local match of \$392,741 for a total of \$3,907,470, such funds to be appropriated as follows:

ANTICIPATED REVENUES

<u>Description</u>	<u>Account No.</u>	<u>Amount</u>
Box Hangar & Aviation Training Facility Site Preparation (Construction)		
State Aviation Funds	61915001-45712	\$ 1,557,609
Local Share		
FY25 Capital & Special Projects Plan	N/A	164,900
Bonds – 2022	61915001-43022	8,168
	Sub-total	173,068
	Total	<u>1,730,677</u>

ANTICIPATED EXPENDITURES

<u>Description</u>	<u>Account No.</u>	<u>Amount</u>
Box Hangar & Aviation Training Facility Site Preparation (Construction)	61915999-50	\$ 1,565,777
FY25 Capital & Special Projects Plan	N/A	164,900
	Total	<u>\$ 1,730,677</u>

ANTICIPATED REVENUES

<u>Description</u>	<u>Account No.</u>	<u>Amount</u>
Corporate Hangar Taxiway H State Aviation Funds	61934000-45712	\$ 1,823,376
Local Share FY25 Capital & Special Projects Plan	N/A	202,598
	Total	<u>\$ 2,025,974</u>

ANTICIPATED EXPENDITURES

<u>Description</u>	<u>Account No.</u>	<u>Amount</u>
Corporate Hangar Taxiway H	61934999-50	\$ 1,823,376
FY25 Capital & Special Projects Plan	N/A	202,598
	Total	<u>\$ 2,025,974</u>

ANTICIPATED REVENUES

<u>Description</u>	<u>Account No.</u>	<u>Amount</u>
Box Hangar & Training Facility Site Prep & Parking Lot Expansion (Design) - Increase State Aviation Funds	61915009-45712	\$ 15,937
Local Share Bonds – 2022	61915009-43022	3,985
	Total	<u>\$ 19,922</u>

ANTICIPATED EXPENDITURES

<u>Description</u>	<u>Account No.</u>	<u>Amount</u>
Box Hangar & Training Facility Site Prep & Parking Lot Expansion (Design) - Increase	61915999-50	<u>\$ 19,922</u>

ANTICIPATED REVENUES

<u>Description</u>	<u>Account No.</u>	<u>Amount</u>
South Ramp Box Hangar Site Prep (Design) State Aviation Funds	61988009-45712	\$ 117,807
Local Share Bonds – 2022	61988009-43022	13,090
	Total	<u>\$ 130,897</u>

ANTICIPATED EXPENDITURES

<u>Description</u>	<u>Account No.</u>	<u>Amount</u>
South Ramp Box Hangar Site Prep (Design)	61988999-50	<u>\$ 130,897</u>

AND BE IT FURTHER ORDAINED that a transfer from Government Capital
Projects bond funds and appropriation is hereby authorized to cover the local share as follows:

TRANSFER FROM

<u>Description</u>	<u>Account No.</u>	<u>Amount</u>
Corporate Hangar Taxiway H Bonds - 2022	61934000-43022	(\$ 25,243)
Project Budget	61934999-50	(\$ 25,243)

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

BE IT FINALLY ORDAINED that all other accounts and provisions of the Fiscal Year 2025 Budget Appropriation Ordinance, as amended, not hereby amended, shall continue in full force and effect unless and until hereafter further amended or repealed.

Approved:

Mayor

Attest:

City Clerk

Approved as to
Form and Legal Sufficiency:

City Attorney



#1 Site prep construction for aviation training facility building
Area, 12,532 sq. ft.

#1 Site prep construction for new 80'x 80' hangar area

#2
Automobile Parking lot Construction

#2
Site prep construction for corporate hangar development area

#3 Engineering services for site prep construction and access road for future hangar development

South Ramp

#1 Site prep construction - Aviation Training Facility and Hangar
Total Cost – \$1,730,677, State Aid, \$1,557,609, Local, \$173,068

#2 Site prep construction – Corporate/box hangar Site and construction of automobile parking lot
Total Cost - \$2,025,974, State Aid, \$1,823,377, Local, \$202,597

#3 Design services to complete site prep construction for hangar project and access road to be located adjacent to the south ramp
Total Cost - \$130,897, State Aid, \$117,807, Local, \$13,090

Council Letter
City of Danville, Virginia



CL - 1439

NEW BUSINESS A.

City Council REGULAR MEETING

Meeting Date: September 17, 2024

Subject: Review of General Fund Financials.

From: Michael Adkins, Chief Financial Officer

COUNCIL ACTION

Review of General Fund Financials as of August 31, 2024. Financial Statements are included.

Attachments

1. Financial Statements
-



CITY OF DANVILLE

Department of Finance

To: Ken F. Larking, City Manager

From: Michael L. Adkins, Chief Financial Officer

Date: September 10, 2024

Subject: Summary of Preliminary General Fund Financial Results for August 31, 2024

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 \$19,975,297. This represents 12.2% of our FY 2025 budget. Last year at this time, we had collected \$17,575,193 or 12.7% of budget. The increase over the prior year is primarily from growth in local taxes, as well as an increase in state categorical aid due to timing differences.

We continue to see steady performance in the collection of delinquent real estate taxes with \$288,092 realized in the first two months of this fiscal year. This accounts for 25% of the current year budget. Tax bills for FY 2025 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 \$6,564,898, or 13% of budget. This exceeds FY 2024 collections by \$591,000. More than half, or \$343,000, of this increase is related to sales tax payments. The remaining increase is found in other sources of local taxes.

Regarding local taxes, sales tax collections through August amounted to \$2,411,186, or 18.5% of budget. Meals taxes collected for the first two months of the fiscal year amounted to \$2,178,549 or 18% of budget, an increase of \$126,230 from last year. Business Licenses realized at the end of August were \$537,630, an increase of \$78,000 from the prior year. Lodging taxes received as of August 31, were \$616,559 or 17.5% of budget, an increase of \$71,000 from the prior year. All other revenue categories are tracking well with budget at this point.

Expenditures through August 31 were \$34,724,901 or 21.1% of budget. This is an overall increase of \$2.1 million when compared to August 31, 2023. Departmental spending for the first two months of the fiscal year amounted to \$15.2 million or 15.5% of budget, an increase of \$726,500 over the prior year. The increase in departmental spending is primarily attributed to an increase in salaries and benefits over the prior year offset by a decrease in Community Development due to 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.

DANVILLE, VA

from FY 2024 commitments that were encumbered at June 30, 2024 along with an increase in Non-Departmental expenditures due to an increase in health insurance expenses.

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, 2024

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	\$ 43,200,280	\$ 4,174,511	9.66%		\$ 39,025,769	\$ 3,726,497
Other Local Taxes	48,927,800	6,564,898	13.42%		42,362,902	5,973,501
License Permits & Privilege Fees	571,060	109,537	19.18%		461,523	182,725
Fines & Forfeitures	213,000	23,684	11.12%		189,316	42,928
Revenue From Use Money & Property	3,255,050	787,619	24.20%		2,467,431	891,096
Charges For Services	3,478,715	765,458	22.00%		2,713,257	674,478
Miscellaneous Revenue	25,100	84,843	338.02%		(59,743)	82,489
Recovered Cost	9,932,330	975,039	9.82%		8,957,291	940,861
Non-Categorical Aid	21,884,000	1,262,522	5.77%		20,621,478	450,624
Shared Expenses (Categ. Aid State)	6,795,830	1,470,584	21.64%		5,325,246	965,585
Categorical Aid (State)	9,845,375	1,158,603	11.77%		8,686,772	1,046,408
Emergency Services (Federal)	27,000	-	0.00%		27,000	-
Categorical Aid (Federal)	-	-	0.00%		-	-
Transfers From Utilities	15,588,000	2,598,000	16.67%		12,990,000	2,598,000
TOTAL REVENUES	\$ 163,743,540	\$ 19,975,297	12.20%		\$ 143,768,243	\$ 17,575,193
EXPENDITURES:						
General Government Administration	\$ 16,622,924	\$ 3,600,132	21.66%	\$ 380,886	\$ 12,641,906	\$ 3,407,473
Judicial Administration	9,834,565	1,506,979	15.32%	78,488	8,249,098	1,426,348
Public Safety	44,090,104	6,562,242	14.88%	424,934	37,102,928	5,745,484
Public Works	6,019,310	799,203	13.28%	277,548	4,942,559	685,867
Health, Education, Welfare & Soc. Svc.	9,917,751	1,218,475	12.29%	73,535	8,625,741	1,155,948
Parks, Recreation & Cultural	7,395,205	1,018,684	13.77%	125,187	6,251,335	892,169
Community Development	4,403,184	503,446	11.43%	395,177	3,504,561	1,169,377
Non-Departmental	16,199,114	2,876,188	17.76%	-	13,322,925	2,285,437
Transfer to Schools - Operating	29,727,720	16,204,281	54.51%	-	13,523,439	15,343,805
Transfer to Capital Projects	16,603,653	30,000	0.18%	-	16,573,653	-
Transfer to Other Funds	3,762,180	405,271	10.77%	-	3,356,909	482,775
TOTAL EXPENDITURES	\$ 164,575,710	\$ 34,724,901	21.10%	\$ 1,755,755	\$ 128,095,054	\$ 32,594,682
Revenue over(under) Expenditures	-	\$ (14,749,603)				\$ (15,019,489)
FUND BALANCE:						
Beginning Fund Balance 07/01/2024		\$ 66,050,183				\$ 55,064,111
Revenue over(under) Expenditures		(14,749,603)				(15,019,489)
Ending Fund Balance 08/31/2024		\$ 51,300,580				\$ 40,044,622
Composition of Fund Balance:						
Reserved for Encumbrances/Designated Funds		\$ 9,565,406				\$ 6,253,962
Unassigned		41,735,174				33,790,661
TOTAL FUND BALANCE 08/31/2024		\$ 51,300,580				\$ 40,044,622

**CITY OF DANVILLE, VIRGINIA
GENERAL FUND
COMPOSITION OF FUND BALANCE
PRELIMINARY - AS OF AUGUST 31, 2024**

Beginning Total Fund Balance, July 1, 2024	66,050,183.05
Add: General Fund Revenues	19,975,297.45
Deduct: General Fund Expenditures	<u>(34,724,900.62)</u>
Ending Total Fund Balance, June 30, 2025	<u><u>51,300,579.88</u></u>

Composition of Fund Balance:

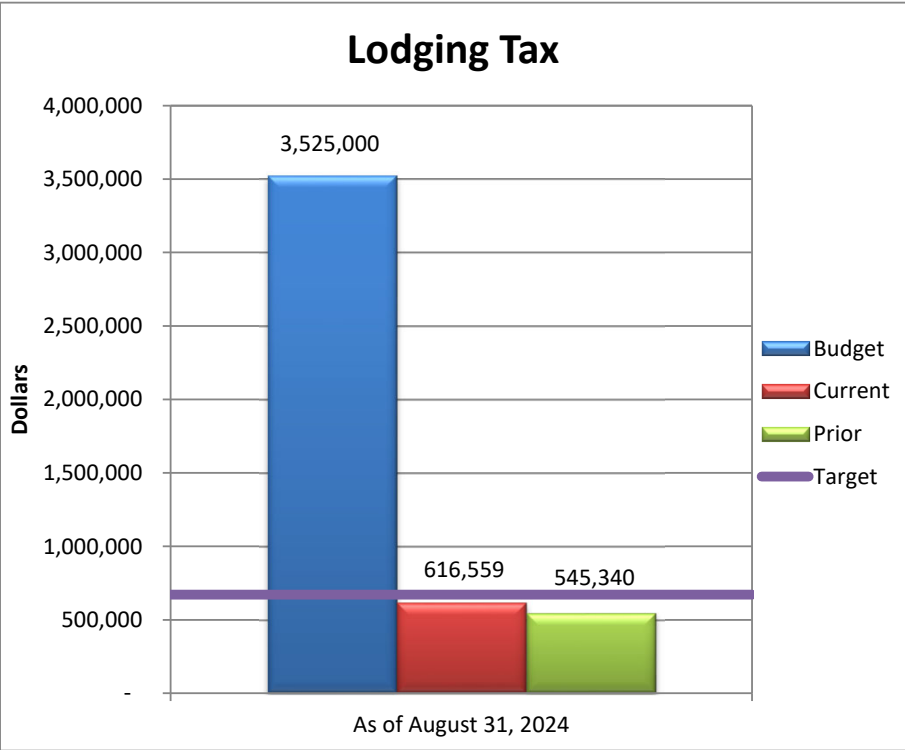
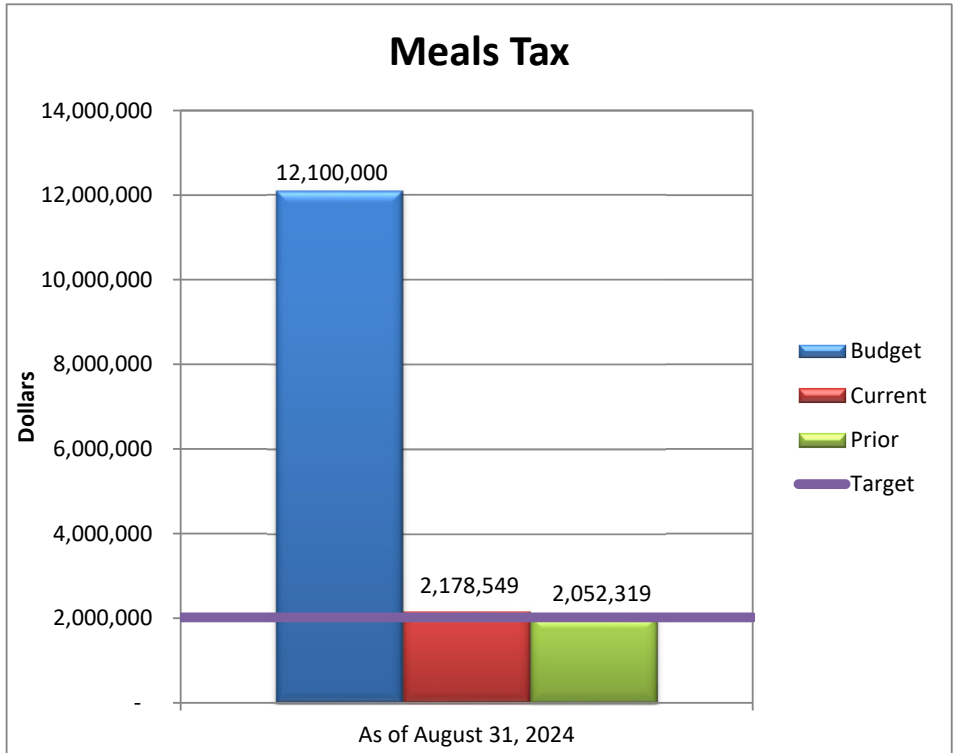
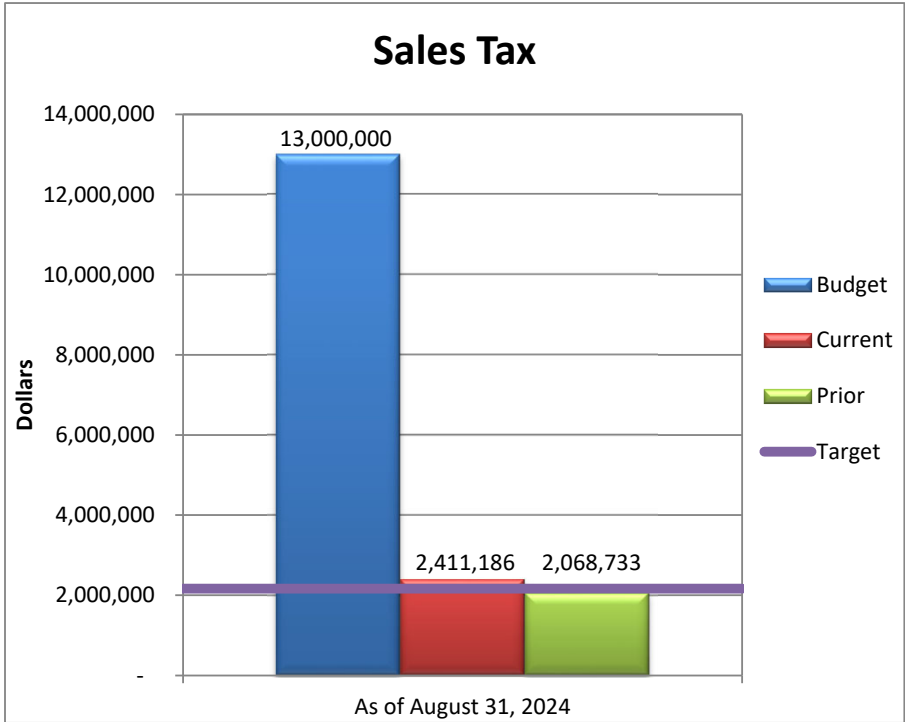
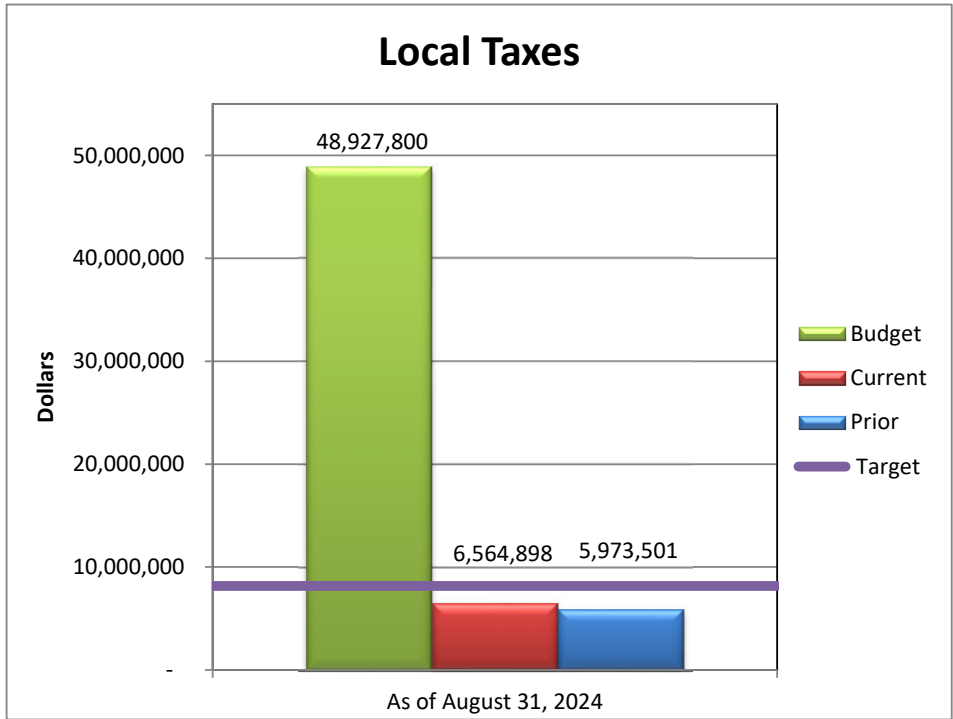
Restricted for Commonwealth Attorney	96,598.57
Restricted for Police Department	25,157.66
Restricted for Fire Department	148,794.02
Committed for Sheriff's Department	5,927.20
Committed to Schools	-
Committed to Budget Stabilization	3,000,000.00
Assigned to Sheriff's Department	12,826.43
Assigned to Community Development	117,616.31
Assigned for Encumbrances	1,755,755.47
Assigned Casino Revenue	4,000,000.00
Nonspendable (Inventory and Prepaids)	402,730.61
UNASSIGNED	<u>41,735,173.61</u>
Total Fund Balance, June 30, 2025	<u><u>51,300,579.88</u></u>

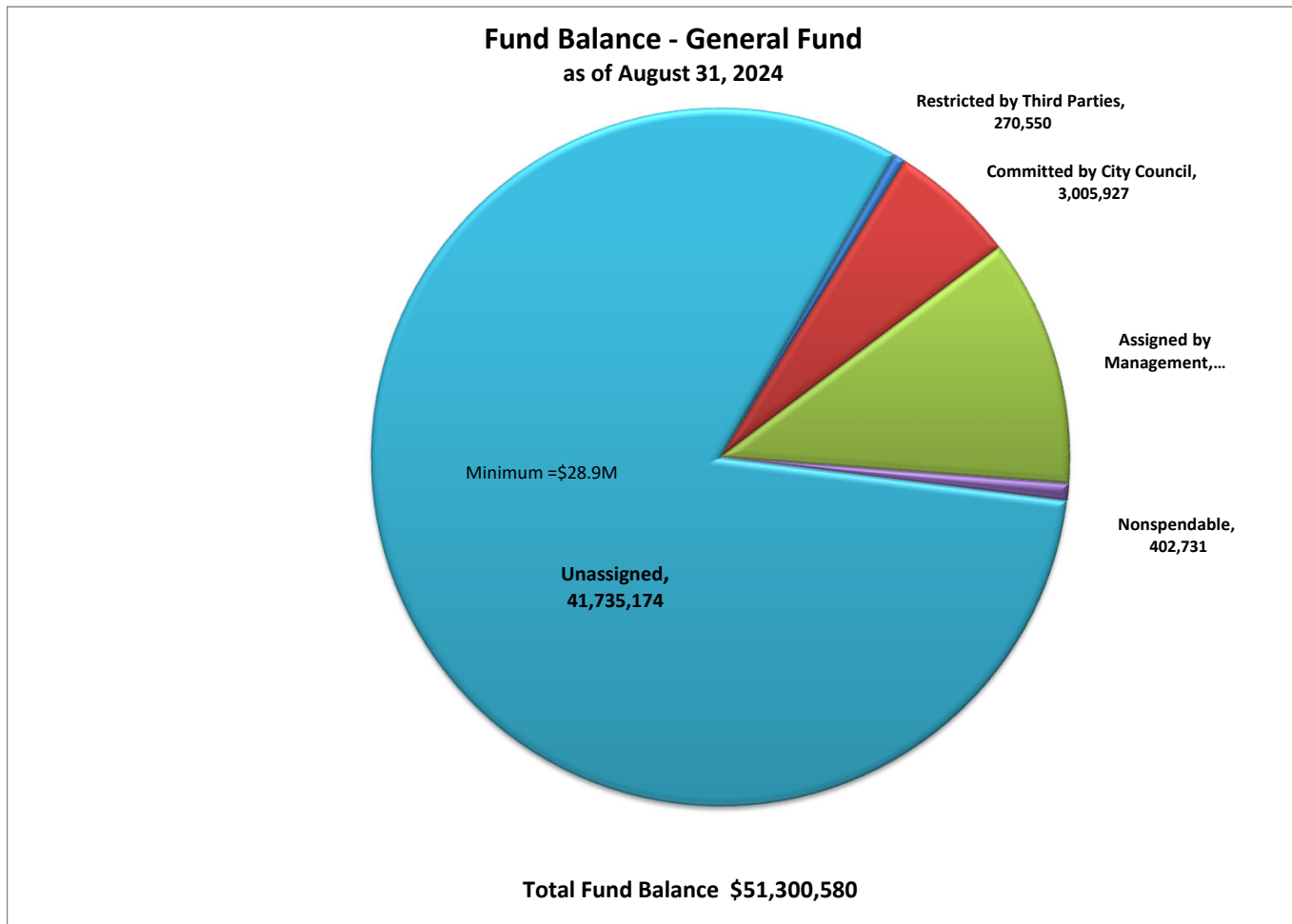
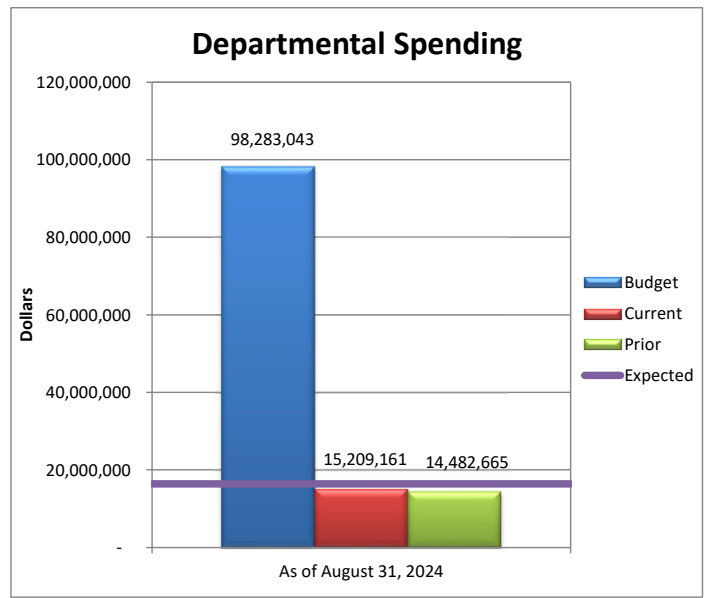
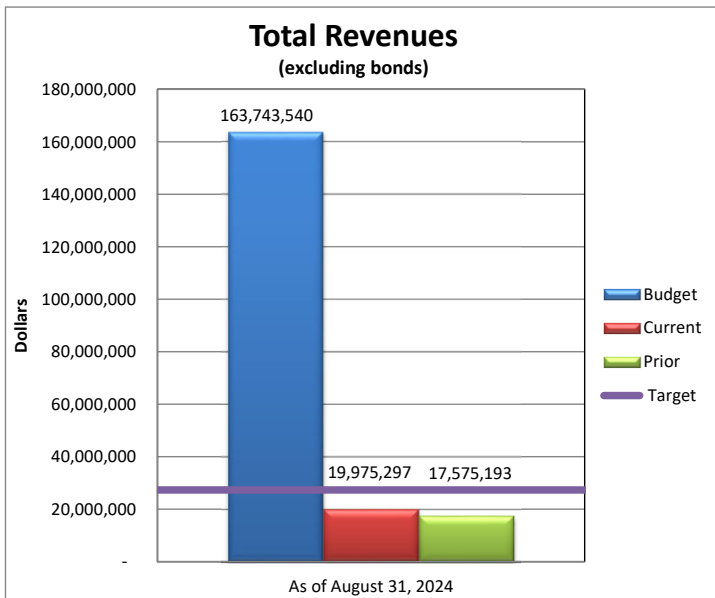
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Unassigned fund balance from above	41,735,173.61
Unassigned Minimum per policy (20% of General Fund Operating Revenues) based on FY 2025 budget	<u>32,748,708.00</u>
Current surplus (deficit) over (under) minimum	8,986,465.61

City of Danville, Virginia
Summary of Other Local Tax Revenues - PRE-CLOSING - UNAUDITED
For the period ending August 31, 2024

Description	Current Budget	Revenue Realized	Percentage Realized	Prior Year Budget	Prior Year Realized	Percentage Prior Year
Sales Tax	\$ 13,000,000	\$ 2,411,186	18.55%	\$ 11,400,000	\$ 2,068,733	18.15%
Business Licenses	7,642,000	537,630	7.04%	6,800,000	459,733	6.76%
Meals Tax	12,100,000	2,178,549	18.00%	10,867,220	2,052,319	18.89%
Utility Taxes	930,000	146,986	15.80%	930,000	80,404	8.65%
Vehicle License Fees	1,025,000	94,277	9.20%	1,000,000	99,046	9.90%
Bank Stock Tax	1,100,000	-	0.00%	1,000,000	-	0.00%
Recordation Tax	370,000	43,592	11.78%	270,000	65,514	24.26%
Hotel Motel Tax	3,525,000	616,559	17.49%	2,467,230	545,340	22.10%
Daily Property Rental Tax	20,800	6,140	29.52%	15,980	5,226	32.70%
Motor Vehicle Tax	240,000	38,603	16.08%	200,000	39,041	19.52%
DMV Fees	275,000	21,251	7.73%	280,000	22,934	8.19%
Ceasars Min Fee	8,700,000	470,124	5.40%	5,000,000	535,210	0.00%
TOTAL	\$ 48,927,800	\$ 6,564,898	13.42%	\$ 40,230,430	\$ 5,973,501	14.85%





Council Letter City of Danville, Virginia



CL - 1550

NEW BUSINESS B.

City Council REGULAR MEETING

Meeting Date: September 17, 2024

Subject: Land lease Agreement to Support Air Ambulance Operations.

From: Marc Adelman, Director of Transportation Services

COUNCIL ACTION

1. Public Hearing
2. A Resolution Approving the Request of the Air Methods Corporation for the City of Danville to Enter into a Land Lease Agreement to Construct a Modular Building at the Danville Regional Airport to Support Air Ambulance Operations.

SUMMARY

The Air Methods Corporation, which currently provides air ambulance service for the Danville hospital, requested to construct a modular building at the Danville Regional Airport to support this operation. The company also requested to rent a hangar at the Danville airport to store the helicopter that would be used to complete air ambulance service. The modular building is needed to provide quarters for air ambulance personnel.

BACKGROUND

Since February 2024, the Air Methods Corporation and the Danville Regional Airport have considered different sites at the airport to construct a modular building to support air ambulance service operations in Danville. The preferred site for the building is located in the t-hangar building area due to its proximity to utility connections and road access. Danville Regional's Airport Layout Plan was revised to support this request. An excerpt of the updated Airport Layout Plan is attached as an exhibit to review. The Federal Aviation Administration has approved the Airport Layout Plan revision that will allow for the construction of a 28' x 56' modular building that would be used by Air Methods' staff involved with supporting air ambulance operations.

RECOMMENDATION

It is recommended that City Council approve the attached Resolution authorizing the City Manager to accept this request by Air Methods to lease a parcel of land on Airport property per the attached lease agreement for the purpose of constructing a modular building to support air ambulance operations.

Attachments

1. Resolution
 2. Modular building plat
 3. Site Agreement
 4. Airport Layout Plan Revision
-

PRESENTED: _____

ADOPTED: _____

RESOLUTION NO. 2024____.____

A RESOLUTION APPROVING THE REQUEST OF THE AIR METHODS CORPORATION FOR THE CITY OF DANVILLE TO ENTER INTO A LAND LEASE AGREEMENT TO CONSTRUCT A MODULAR BUILDING AT THE DANVILLE REGIONAL AIRPORT TO SUPPORT AIR AMBULANCE OPERATIONS.

NOW THEREFORE, BE IT RESOLVED by the Council of the City of Danville that a Land Lease Agreement between the City of Danville and the Air Methods Corporation substantially in the form attached hereto and a part hereof, be, and the same is, hereby authorized and approved; and

BE IT FURTHER RESOLVED that the City Manager, Kenneth F. Larking be, and he is hereby, authorized to execute said agreement on behalf of the City.

Approved:

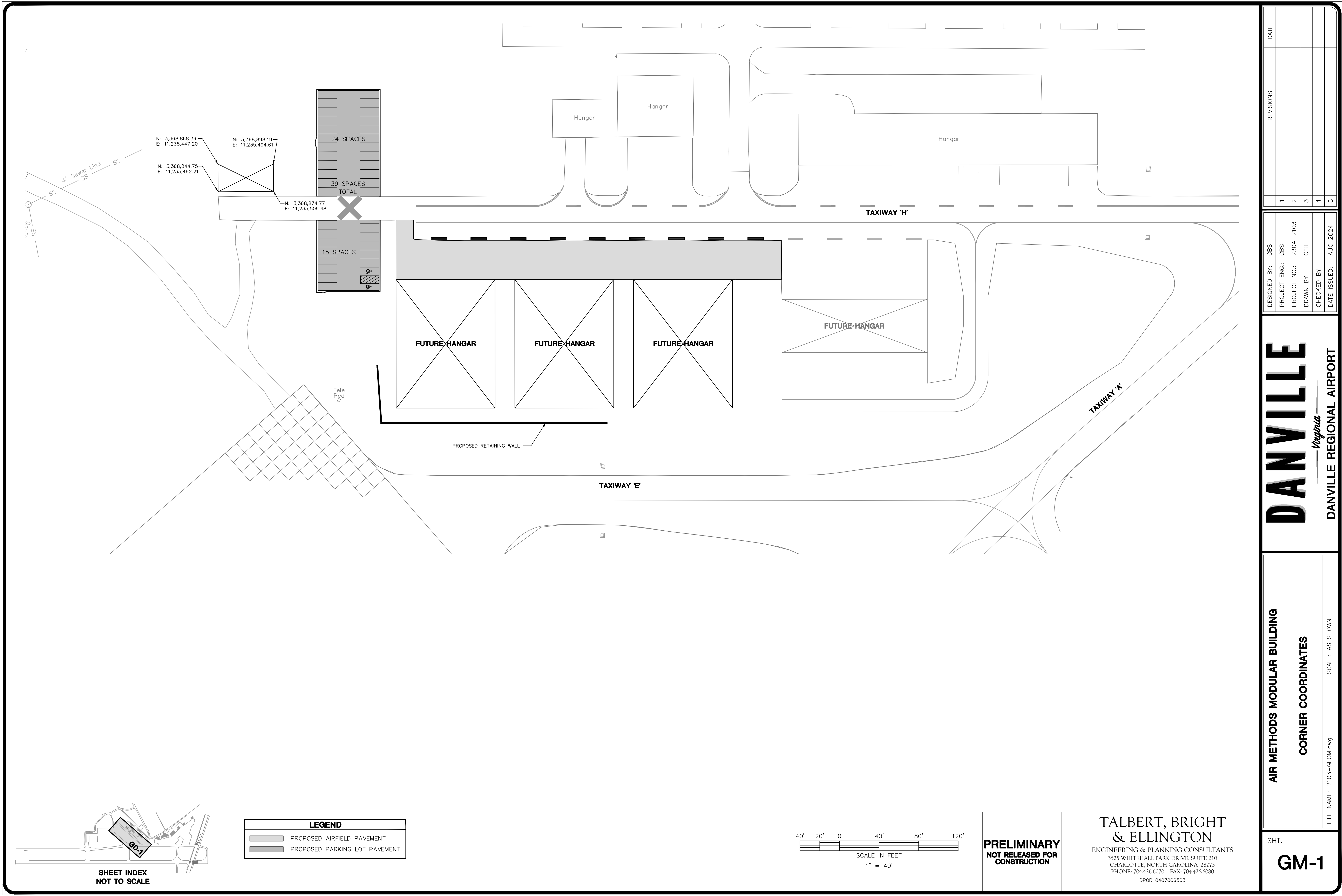
Mayor

Attest:

City Clerk

Approved as to
Form and Legal Sufficiency:

City Attorney



REVISIONS	DATE
1	
2	
3	
4	
5	

DESIGNED BY:	CBS
PROJECT ENG.:	CBS
PROJECT NO.:	2304-2103
DRAWN BY:	CTH
CHECKED BY:	
DATE ISSUED:	AUG 2024

DANVILLE

Virginia

DANVILLE REGIONAL AIRPORT

AIR METHODS MODULAR BUILDING
CORNER COORDINATES
FILE NAME: 2103-GEOM.dwg
SCALE: AS SHOWN

SHT.

GM-1

PRELIMINARY
NOT RELEASED FOR
CONSTRUCTION

TALBERT, BRIGHT
& ELLINGTON
ENGINEERING & PLANNING CONSULTANTS
3525 WHITEHALL PARK DRIVE, SUITE 210
CHARLOTTE, NORTH CAROLINA 28273
PHONE: 704-426-6070 FAX: 704-426-6080
DPO# 0407006503

MODULAR BUILDING AND SITE AGREEMENT

This agreement is made and entered into as of the _____ day of _____, 2024
by and between the CITY OF DANVILLE, VIRGINIA, a municipal corporation of the
Commonwealth of Virginia, hereinafter called the "Lessor," or "City," and AIR METHODS, LLC
(fka Air Methods Corporation), hereinafter called the "Lessee;

WHEREAS, Lessor now owns, controls, and operates the Airport known as Danville
Regional Airport (the "Airport") in the City of Danville, Virginia; and

WHEREAS, Lessee is a limited liability company that operates an air ambulance business;
and

WHEREAS, Lessee desires to lease that certain parcel of land located at the Danville
Regional Airport and described as Parcel 76366 (the "Parcel") on the Plat showing the
lease property in Exhibit A, for the purpose of constructing and maintaining a modular building
to utilize as overnight crew quarters; and

WHEREAS, Lessee desires to lease exclusively five (5) parking spaces and one (1)
disabled parking space for a total of six (6) parking spaces as shown on Exhibit A; and

WHEREAS, the Lessor desires to lease the Parcel to Lessee for said purposes; and

NOW, THEREFORE, in consideration of the promises and the mutual covenants herein
contained, and subject to those terms and conditions set forth below, the parties hereby agree as
follows:

ARTICLE I USE AND TERM

Lessee's use and occupancy of the Parcel shall be for the purpose of operating an air
ambulance service and uses which are necessary for such operation and which are not excluded by
this Lease.

The term of this Lease shall be for an initial period of three (3) years, commencing the
_____ day of _____, 2024. Possession of the Parcel by the Lessee shall begin on the
Commencement Date subject to the Federal Aviation Administration's approval of a required
Airport Layout Plan revision. Upon completion of the initial term this Lease shall automatically
renew for an additional consecutive one (1) year periods unless written notice is given to the other
party of a party's intent to not extend at least ninety (90) days prior to the expiration of the term
then in effect or is otherwise earlier terminated as set forth in this Lease. In no event shall this
Lease extend for a period greater than twenty (20) years. However, if construction of the modular

building is not completed within one (1) year after the effective date of this Lease, the Lease agreement will terminate, and the Lessee will have no further rights and privileges thereunder. Notwithstanding the foregoing, either party may terminate this Lease upon one hundred eighty (180) days' prior written notice to the other party.

At the conclusion of the Lease Term, the Lessee shall have the right to enter into a new agreement with the City for the leasehold. It is understood and agreed that the rental rate specified shall be subject to reexamination and readjustment at the end of each three (3) year period of this Lease, provided that any readjustment of present rates shall be reasonable and shall in no event exceed Three and a Half Percent (3 1/2%). Should the Lessee elect to not enter into a new agreement, then the following will apply:

At the expiration or termination of this Lease, Lessee shall remove any or all buildings and other permanent improvements to the Parcel.

ARTICLE II RENT AND UTILITIES

Lessee shall pay to the City at the Office of Central Collections of the City of Danville for the Parcel ground rent and Unicom Recovery Fee in equal monthly installments in advance and without setoff of any kind, on the first day of each month of the term of this agreement an amount equal to Four Hundred Fifty-Two Dollars and Twenty-Five Cents (\$452.25) for a total of Five Thousand Four Hundred Twenty-Seven Dollars (\$5,427.00) per Annum. Rent shall be sent by check to the following address: 424 Airport Drive, Danville, Virginia 24540.

Alternatively, the Lessee may pay the full amount of the lease in one installment on an annual basis. The lease fee is based on a \$.40 cost per square foot to construct a 28' x 56' modular building and a \$4800 for the Unicom Recovery Fee related to the Operations Advisory Tower, which is manned seven (7) days per week from 7:00 am until 7:00 pm.

Any rental or fees payable by Lessee hereunder which are not paid within five (5) days after written notice of nonpayment shall bear interest as provided by the Code of the City of Danville. If any rental hereunder commences or terminates prior to the last day of any month, such rental for such month shall be determined on a pro rata basis according to the number of days of such month involved.

Lessee shall be responsible for the payment of all fees associated with the use of the water, gas, electricity, sewer/septic, telephone, cable/internet and any other public utilities furnished to the Parcel. In the event that a certain public utility is necessary but not available on the Parcel, Lessee shall furnish, at Lessee's cost, said utility and all utilities reasonably necessary for Lessee's use of the Parcel. Lessor consents to any acts necessary to furnish said necessary public utility to the Parcel. Lessee shall

pay, in addition to ground rental and the charges above specified, all water rates, utility charges, permit and license fees, and taxes and assessments, general and special, if any, levied or assessed upon the Parcel, or any part thereof: or upon any building or improvements at any time situated thereof, or lawfully levied or assessed upon the leasehold interest created thereby during the initial term of this agreement or any renewal term, or lawfully assessed upon personal property, machinery and tools.

ARTICLE III ASSIGNMENT

This Agreement, or any part thereof, may not be assigned, transferred or subleased by Lessee, by process or operation of law or in any other manner whatsoever, without the prior written consent of Lessor, which shall not be unreasonably withheld; provided, however, that Lessee may, without the prior consent of Lessor, assign all of its rights under this Lease to (i) a parent, subsidiary, or affiliate, (ii) a purchaser of all or substantially all assets related to this Lease, or (iii) a third party participating in a merger, acquisition, sale of assets or other corporate reorganization in which Lessee is participating. Any permitted assignee shall assume all obligations of its assignor under this Lease.

ARTICLE IV MISCELLANEOUS PROVISIONS

Non-Exclusive Rights Granted. The Lessee shall have the right to the non-exclusive use, in common with others, of the airport parking areas, and improvements; the right to install, operate, maintain and store subject to the approval of the Lessor in the interests of safety and convenience of all concerned, all equipment necessary for the safe storage of the Lessee's aircraft; the right of ingress to and egress from the Parcel, which shall also extend to Lessee's employees, guests and patrons; the right, in common with others authorized to do so, to use common areas of the airport, including runways, taxiways, aprons, roadways, and other conveniences for the take-off, flying and landing of aircraft.

Default and Termination. If the City determines the Lessee is in violation of any of the terms, conditions or covenants of this Lease, or the Lessee fails to pay, on time, any fees or charges due, the condition shall be considered a default of the Lease.

The City shall provide the Lessee with written notices of any determination of default. The Lessee shall then have thirty (30) days to cure, or to remedy said default or otherwise comply with any demand contained within such written notice which cures or remedies the default; provided, however, such failure shall not constitute an event of default if such failure is not susceptible of being cured within thirty (30) days and Lessee diligently pursues such cure to completion.

All provisions of this Lease remain binding upon the Lessee while the Lessee is in default.

In the event that Lessor defaults under the terms of this Lease, Lessee shall give Lessor written notice specifying the nature of the default and Lessor shall have thirty (30) days after

receipt of such notice to cure said default. Any default by Lessor which shall continue uncured shall give Lessee the right to terminate the Lease immediately, in addition to all available rights or remedies in law or in equity.

Relinquishment and Termination. At any time, upon sixty (60) days prior written notice, provided all fees and assessments then due and owing have been fully paid and Lessee is not in default under this Lease, Lessee may relinquish this Lease to the City whereupon the Lease shall be terminated. Lessee shall not be entitled to a refund of any fees of any kind paid.

Hold Harmless. The Lessee agrees to hold the Lessor free and harmless from loss from each and every third-party claim and demand that Lessor may sustain: (a) to the extent caused by or arising out of the negligence or willful misconduct of Lessee or Lessee's employees, agents or contractors, on, in, or about the Parcel or other common areas of the Airport, or (b) to the extent caused by or arising out of any breach or default by Lessor in the performance of its obligations under this Lease beyond applicable periods of notice and cure.

Limitation of Liability. In no event shall either party, its employees, agents, or contractors be liable under this Lease to the other party for any consequential, incidental, indirect, exemplary, special or punitive damages, including any damages for business interruption, loss of use, revenue or profit, whether arising out of breach of contract, tort (including negligence) or otherwise, regardless of whether such damages were foreseeable and whether or not either party was advised of the possibility of such damages.

Holding Over. In the event Lessee remains in possession of the Parcel beyond the term, Lessor may take legal action to remove Lessee. If Lessor accepts a rent payment for a period of time beyond the term, or otherwise acknowledges the tenancy, Lessee shall be deemed a Lessee from month-to-month, and shall pay rent at the rate established by this Lease. Any month-to-month tenancy is subject to the conditions, provisions, and obligations of this Lease.

Insurance Requirements. Lessee shall maintain a policy of aircraft liability insurance insuring against such claims. Such insurance shall name the City as an additional insured. The aircraft liability insurance shall have a single limit coverage in the amount of \$1,000,000, or as required to meet the mandatory requirements of the Commonwealth of Virginia. Lessee shall maintain property and casualty insurance covering the improvements to the Parcel, and the contents thereof. Such insurance shall be a fire insurance policy with extended coverage endorsement including vandalism and malicious mischief. The insurance shall be on a replacement cost basis and shall name the City as additional insured. Lessee, if applicable, shall also maintain Commercial Automobile Liability insurance coverage in the amount of \$1,000,000. Lessee shall furnish annually to the City on the rent payment due date of this Lease, a certificate of the above- required insurance.

Lessor, at its own cost and expense, shall maintain in effect during the term:

commercial general liability insurance against claims for property damage and bodily injury, including death in such form and subject to such deductions and exceptions as Lessor may determine in an amount not less than \$5 million per occurrence; property insurance written on an ISO special cause of loss form for cover on the Parcel and the Airport, except foundations, on a replacement cost basis, subject to such deductions and exceptions as the Lessor may determine; and workers' compensation insurance for Lessor's employees, as required by law, at all times. Lessor agrees to ensure agents, contractors, invitees, licensees or anyone for whose safety Lessor is responsible for is appropriately covered by Lessor's workers' compensation insurance or said individual's employer's workers' compensation insurance as required by law.

Additional Uses Require Permission. Lessee shall not use or permit the use of the Parcel, or improvements thereto, for any purpose or use other than those expressly and specifically authorized by this Lease. Additional uses may be hereafter authorized in writing by the City, but only upon such terms and conditions as may be set out in such authorization.

Commercial Use of Parcel and Future Improvements. Lessee agrees to obtain permission from the City prior to commencing or permitting any commercial use of the Parcel, or additional improvements thereto, in accordance with the current Airport policies, City code and or standards. In the event that this Parcel, or improvements thereto is used for business purposes, the Lessee shall at all times maintain and pay any required permits, licenses, insurance and taxes as required by law.

Title to Improvements. During the Lease Term, title to all improvements existing or constructed upon the Parcel by Lessee are and shall be vested in Lessee. Upon termination of this lease, the Lessee shall remove the building, equipment and property and restore the leased property to its original condition.

Warranties of Title and Quiet Enjoyment. Lessor warrants that it has full right to make this Lease subject to the terms of this Lease. Lessor shall have quiet and peaceable possession of the Parcel during the term as against the acts of any parties claiming title to, or a right to possession of, the Parcel.

Governmental Standards. Lessee must meet all governmental standards as specified in the City of Danville Municipal Code for all design, planning, and construction activities, including development or extension of infrastructure.

Additional Improvements Constructed During the Initial Lease Term or Extended Term. Lessee may construct additional improvements or modifications at a later date, adhering to the requirements of those codes and regulations then in effect on the Airport. However, in all cases, construction must be completed within eighteen (18) months of approval by the City.

Signs. Lessee must obtain City consent to paint or construct any exterior signs.

Maintenance. Except for the parking lot located on the Parcel, Lessee shall maintain at its own expense the Parcel and any improvements, fixtures or equipment on the Parcel in a safe, sanitary, and orderly manner in accordance with all applicable codes and regulations. Lessee shall also maintain the cleanliness of the Parcel.

Lessor shall maintain, at its sole cost and expense, the parking lot located on the Parcel. Additionally, Lessor, at its sole cost and expense, shall furnish: snow removal, and grounds maintenance.

Lessor's Alterations and Improvements. Lessor shall, at its sole cost and expense, construct a parking lot on the Parcel for Lessee's non-exclusive use. After such construction, Lessee shall have the right to use (5) parking spaces and (1) disabled parking space for a total of six (6) parking spaces as designated by Landlord on Exhibit A. Such use shall be without any additional charge and on a first come, first served basis.

Fire or Other Casualty. In the event of fire or any other casualty to structures owned by the Lessee, the Lessee shall either repair or replace the building or remove the damaged building and restore the Parcel to its original condition within 180 days of the date the damage occurred. Upon petition by the Lessee, the Lessor may grant an extension of time if it appears such extension is warranted in the event the Parcel, or improvements thereto is completely destroyed or so badly damaged that the improvements cannot be repaired within ninety (90) days of such casualty, or if said damage materially interferes with Lessee's use of the remainder of the Parcel, then either Lessor or Lessee may terminate this Lease. Lessee shall not be obligated to repair and restore if such casualty is caused in whole or in part by the negligence of Lessor, its agents or employees.

Right to Inspect. The Lessor reserves the right to enter upon the Parcel at any reasonable time for the purpose of making any inspection it may deem expedient to the proper enforcement of any of the covenants or conditions of this agreement. Lessor must provide Lessee with at least twenty-four (24) hours' notice prior to entry, in which case Lessor shall provide Lessee with as much notice as possible prior to entry.

Hazardous Waste. No toxic materials or hazardous waste subject to regulation by the EPA or Department of Environmental Quality shall be stored or disposed of on the Airport without the written permission of the Airport Manager.

City's Right to Correct Deficiencies. The City has the right to require reasonable maintenance and repairs to the Parcel or the improvements thereon by Lessee as required by this

lease. Should the Lessee fail to make the required corrections beyond any applicable notice and cure period, the City shall have the right to enter the Parcel, or improvements, thereto, correct the deficiency and recover the cost of activities from Lessee as rent due on the next payment date.

Airport Development. The City reserves the right to further develop the Airport as it sees fit, without unreasonable interference or hindrance from Lessee.

Eminent Domain Rights. If the physical development of the Airport requires the relocation, removal or alteration of Lessee's business from the Airport, the City has the right to condemn the business area wholly under the City's eminent domain rights.

ARTICLE V DESIGN STANDARDS

Modular Building Dimensions. The modular building shall be 28' x 56' and must meet the Industrialized building requirements per the Uniform Statewide Building Code. Prior to construction the model for the modular building must be pre-approved by the Airport Commission and the City of Danville Inspections Office.

Landscaping. All landscaping shall be designed to discourage the nesting and aggregation of birds and animals.

Exterior Lighting. Obstruction lighting shall be installed when required to meet FAA safety standards, when applicable. Exterior illumination, including that in illuminated signs, shall never be angled above the horizontal, nor extend into flight patterns or other aircraft operating surfaces, unless designed and approved specifically for the purpose of aiding aircraft navigation or safety. Area lighting of building, vehicle parking areas and walkways shall be shielded so as not to shine above the horizontal and shall not produce glare on adjacent streets, aircraft operating surfaces, or building sites.

Height of Building. The parcel shall not maintain a building that exceeds a height, which penetrates the FAR Part 77 planar surfaces.

Wind Resistance. The building shall be designed to withstand winds of seventy (70) miles per hour.

ARTICLE VI EQUAL EMPLOYMENT

During the performance of the contract, the Lessee agrees as follows:

- a. The Lessee will not discriminate against any employee or applicant for employment

because of race, religion, color, sex, or national origin, except where religion, sex, or national origin is a bona fide occupational qualification reasonably necessary to the normal operation of the Lessee. The Lessee agrees to post in conspicuous places, available to employees and applicants for employment, notices setting forth the provisions for this nondiscrimination clause, as required by applicable law.

b. The Lessee also shall not discriminate against any handicapped person in violation of any state or federal law or regulation and shall also post in conspicuous places, available to employees and applicants for employment, notices setting forth the provisions of this additional nondiscrimination clause, as required by applicable law.

c. The Lessee, in solicitations or advertisements for employees placed by or on behalf of the Lessee, will state that such Lessee is an equal opportunity employer.

d. Notices, advertisements, and solicitations placed in accordance with Federal law, rule or regulation shall be deemed sufficient for the purpose of meeting the requirements of this section.

e. The Lessee will include the provisions of the foregoing paragraphs in every subcontract or purchase order over \$10,000 so that the provisions will be binding upon each subcontractor or vendor.

f. The Lessee will otherwise comply with all other applicable provisions of local, State and Federal law.

ARTICLE VII COMPLIANCE WITH LAWS AND REGULATIONS

Compliance with Applicable Laws. Lessor and Lessee agree to comply with all applicable current and future federal, state, and local laws, ordinances and regulations, whether or not specifically referred to in this Agreement.

Amendments. This Lease may only be modified or amended by written agreement executed by both parties. No amendment of this Lease shall be valid unless it is in writing, specifies the nature and extent of the amendment, and is signed by both parties.

Notice. Notice required by this Lease shall be sufficient if in writing and personally delivered or mailed via U.S.P.S., first class and postage prepaid to:

In the case of Lessor:

In the case of Lessee:

Air Methods, LLC

5500 S. Quebec St., Ste. 300

Greenwood Village, CO 80111

Attn: Vice President, Northeast
Region, with copy, which shall not
constitute notice, to Attn: Legal
Dept. and
realestate@airmethods.com

Severability. The parts and provisions of this Lease are severable. If any part or provision shall be held invalid by a court of competent jurisdiction, the remainder of this Lease shall remain in full force and effect.

Successors in Title. It is agreed that the terms and conditions hereof shall be binding upon the parties hereto, and in addition, upon successors or subtenants to the parties hereto.

Choice of Law. The parties acknowledge that this Agreement shall be governed by the laws of the Commonwealth of Virginia and venue shall lie in the City of Danville for any legal dispute arising from this Agreement.

No Partnership, Joint Venture or Principal/Agent Relationship. Nothing in this Lease shall be interpreted as creating a partnership, joint venture, or relationship of principal and agent between the parties.

Cumulative Rights. No right or remedy provided under this Lease is intended to be exclusive of any other right or remedy hereof provided by law or equity. Each right and remedy shall be cumulative and in addition to every other right or remedy provided under this Lease.

Waiver. Any waiver by any party of default of any other party to this Lease shall not affect or impair any right arising from any subsequent default. No custom or practice of the parties which varies from the terms of this Lease shall be a waiver of any party's right to demand exact compliance with the terms of this Lease. A waiver will only be effective when signed by the party against which it is used.

Entire Agreement. The parties acknowledge that this Lease supersedes any prior agreements and understandings and incorporates all terms and conditions agreed to between them with respect to the subject matter of the Lease.

Counterparts; Facsimile or Electronic Signature. This Lease may be executed in counterparts, all of which shall be considered one and the same instrument and shall become effective when one or more counterparts have been signed by each of the parties and delivered to the other party. Any executed counterpart to this Lease may be delivered by .pdf or other electronic means, and any counterpart so delivered shall constitute an original for all purposes.

IN WITNESS WHEREOF, the parties have executed this Lease as of the day and year first above written.

CITY OF DANVILLE, VIRGINIA

By: _____
Ken Larking
City Manager

(SEAL)

ATTEST:

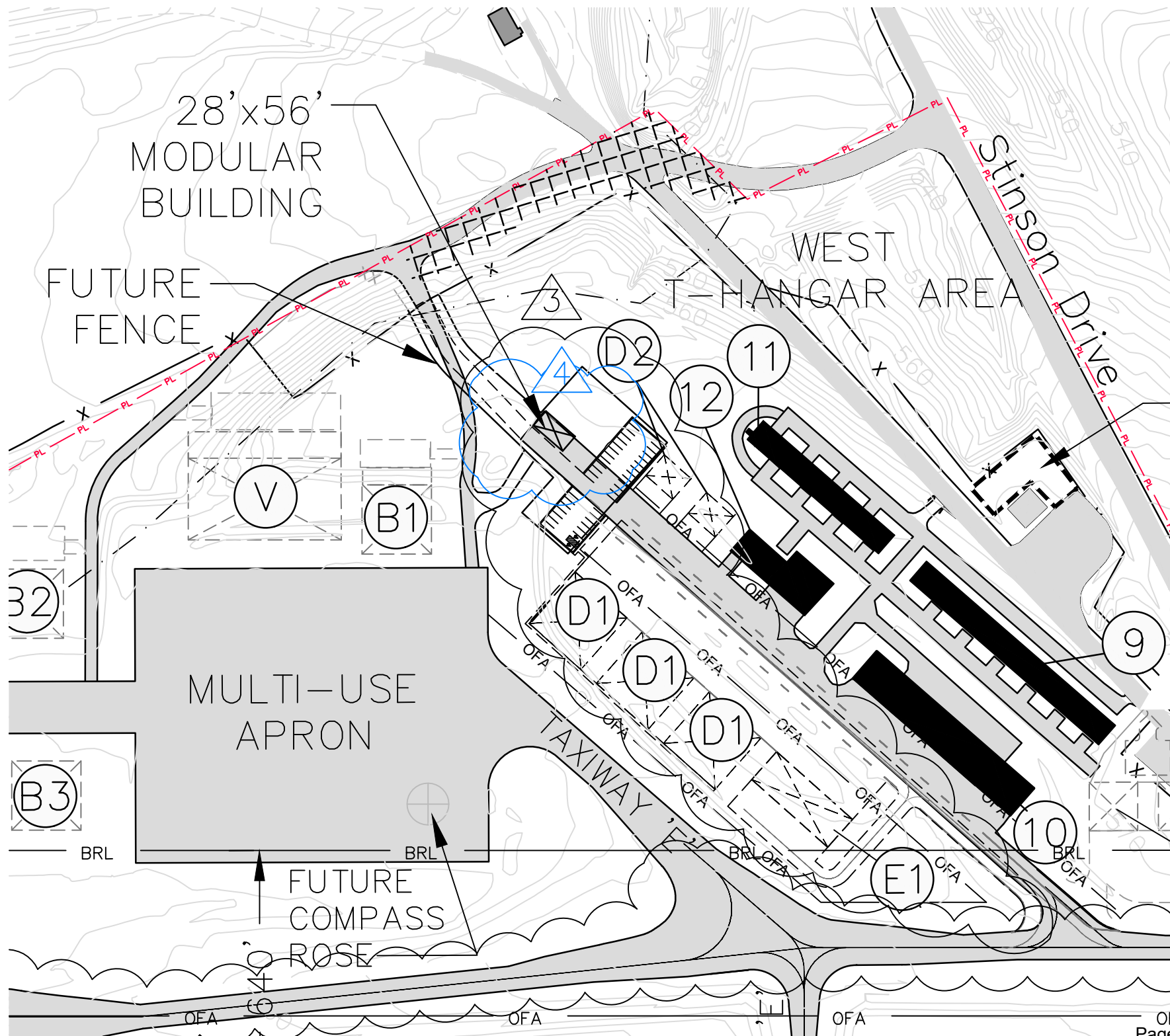
City Clerk

AIR METHODS, LLC

By: _____
Title: _____

ATTEST:

Secretary



Council Letter City of Danville, Virginia



CL - 1489

NEW BUSINESS C.

City Council REGULAR MEETING

Meeting Date: September 17, 2024

Subject: Arts and Culture Plan.

From: Sam Howarth, Facilities and Services Planner

COUNCIL ACTION

A Resolution Authorizing the Adoption of the Arts and Culture Plan of the City of Danville, Virginia.

SUMMARY

In 2023 and 2024, Danville Parks and Recreation worked with Designing Local Ltd. to complete an Arts and Culture Plan. This plan provides the city with strategies to be successful in the Arts and Culture sector. Our goal is for the City Council to adopt this plan.

BACKGROUND

Danvillians appreciate our cultural landscape, but there is a hunger for more cultural options. Thirty-five stakeholders were interviewed about their vision for this plan. The stakeholders included arts organization leadership, elected officials, city department heads, and local arts business owners. Focus groups were also held with arts leaders from various organizations. The public was also given the opportunity to contribute directly to a survey, which received 181 responses. Throughout the process, case studies from U.S. communities similar to Danville were used to illustrate successful programming and policies. These best practices have been integrated into the plan objectives and strategies to illustrate successes within the sector.

While participants shared the overall quality of the arts and culture in Danville was average, they wished to see more live music, theater, community arts events, and festivals. Residents also expressed a desire for more food options. Participants want to see more murals and other public art that strengthens patronage of local businesses, especially downtown.

This plan provides the city with five strategies accompanied by action items to support our vision of being a city of culture.

1. Establish the Cultural Arts Program through the creation of a new division, public participation, strong leadership, and sustainable funding.
2. Formally establish the Danville Public Art Program through the adoption of sound policy and administrative processes.
3. Invest in iconic public art experiences throughout Danville.
4. Provide cultural facilities for Danville residents to create and consume cultural events and programming.
5. Provide meaningful cultural experiences for Danville residents throughout the city.

In order to establish a strong Public Art Program, the City of Danville will need to adopt this overall

policy, which includes: Roles & Responsibilities; Work Plan; Use of Funds; Acquisition; Collection Management; Donation; and Maintenance.

Our goal is for the city to adopt the Arts and Culture Plan and to use this plan as a working set of guidelines. The Arts and Culture Plan builds upon the creative energies of people and organizations already doing this work in Danville and to be intentional about weaving more opportunities into our lives for residents and visitors to enjoy the arts and Danville's culture.

RECOMMENDATION

Staff recommends Danville City Council approve the attached Resolution adopting the Arts and Culture Plan.

Attachments

1. Resolution
 2. Arts and Culture Plan
-

PRESENTED: _____

ADOPTED: _____

RESOLUTION NO. 2024____.____

A RESOLUTION AUTHORIZING THE ADOPTION OF THE ARTS AND CULTURE PLAN OF THE CITY OF DANVILLE, VIRGINIA.

NOW THEREFORE, BE IT RESOLVED by the Council of the City of Danville, Virginia, that the Arts and Culture Plan for the City of Danville, Virginia, a copy of which is attached hereto and made a part hereof, as if fully set out herein, be, and it is, hereby adopted; and

BE IT FURTHER RESOLVED, that the City Manager, Kenneth F. Larking, be, and he is, hereby authorized and directed to adopt the Arts and Culture Plan on behalf of the City.

Approved:

Mayor

Attest:

City Clerk

Approved as to
Form and Legal Sufficiency:

City Attorney



ARTS & CULTURE PLAN

FOR THE CITY OF DANVILLE, VIRGINIA
MARCH 2024





CONTENTS

Section 1: Foundation for the Future	4
Survey Results	8
Section 2: Danville: A City of Culture	28
Strategies to Achieve the Vision	38
Section 3: Policy to Support Implementation	66

WELCOME LETTER



Danville’s culture is entwined with over a century of history, much of which is connected to a defunct textile industry that brought people from all over the region into our social fabric, seeking new opportunities and a better life.

A house built on Selma Avenue became a home for generations of families that had some connection to Dan River Mills. The textile company was, besides the tobacco industry, the economic driver from the 1880s until 2006. The nearly 850 houses Dan River built and rented to millhands in Schoolfield, like the home on Selma Avenue, were fashioned of brick, wood, stone, plaster, and glass. Today, these mill houses remain landmarks of what it means to create and call Danville home.

Often, the families who moved to homes were recruited off farms or out of hollers of western Virginia and North Carolina to work at the new mill in Schoolfield. While houses included electricity, they didn’t have indoor bathrooms, and water was served from an outdoor spigot. As decades unfolded, the Selma home housed many families and unrelated boarders. Inside the walls, children learned to read, write, spin tales, sing songs, listen to music, paint, and decorate. The hopes and dreams of those who lived there were shared with one another, and plans were made to stitch them into reality.

Residents who lived in Schoolfield Village rented their homes from the company until about 1950 when the City annexed the area, and Dan River Mills offered the occupants the opportunity to purchase their home.

Like many others, when they owned their home, the family on Selma Avenue added their personal touch. Indoor plumbing enabled bathrooms to be added and kitchens upgraded. Around that time, refrigerators were common and had become a canvas for childhood drawings, doodles, photographs, and other sentimental decorations. The facades of the homes were enhanced with new ornamentation, porches, and decks.

By the 1960s, deed restrictions that had prevented African Americans from owning homes in Schoolfield were rightfully deemed unconstitutional, and the neighborhood became the diverse and vibrant community that currently exists.

The story of this home in Schoolfield is one of thousands in the City that has created a uniquely Danville culture. For the entirety of human history, art, music, dance, and other creative efforts have been woven into our existence. My hope for this Arts and Culture Plan is to build upon the creative energies of people and organizations already doing this work in Danville and to be intentional about weaving into our lives more opportunities for residents and visitors to enjoy the arts and Danville’s culture.

KEN LARKING,
CITY MANAGER



A FOUNDATION FOR THE FUTURE

COMMUNITY FEEDBACK

Thirty-five (35) leaders in the sector were interviewed about their vision for the Cultural Arts Program. Stakeholders included arts organization leadership, elected officials, city department heads, and local arts business owners. Focus groups were also held with arts leaders from various organizations.

Members of the public were engaged in a number of activities, including sharing their ideas for arts and culture and considering public art types and locations. The public was also given the opportunity to contribute directly to a survey, which received 181 responses that are discussed on page 8.

STEERING COMMITTEE

Throughout the process, a Steering ommittee made up of representatives from the City of Danville Parks and Recreation Department, local businesses, City of Danville Community Development Department, Danville Museum of Fine Arts and History, Danville Concert Association, River District Association, Averett University, Smokestack Theatre Company, Danville Public Schools, Danville Art League, Community Foundation of the Dan River Region, Storytelling Festival, and the City of Danville Human Resources Department were engaged in regular conversation to act as a sounding board for the planning process. Staff guided discussion on how to interact with the public, provided direction for the plan, and reacted to how best practices in the arts and culture sector might impact the city and their respective departments.

NATIONAL BEST PRACTICES

Throughout the process, case studies from U.S. communities similar to Danville were used to illustrate successful programming and policies. These best practices have been integrated into the plan objectives and strategies to illustrate successes within the sector.

OUTREACH
OUTCOMES

181

SURVEY RESPONSES

13

STAKEHOLDER INTERVIEWS

DANVILLIANS ALREADY APPRECIATE THE CULTURAL LANDSCAPE,

Overwhelmingly, residents shared they spend time in parks and nature and enjoy live music and food.

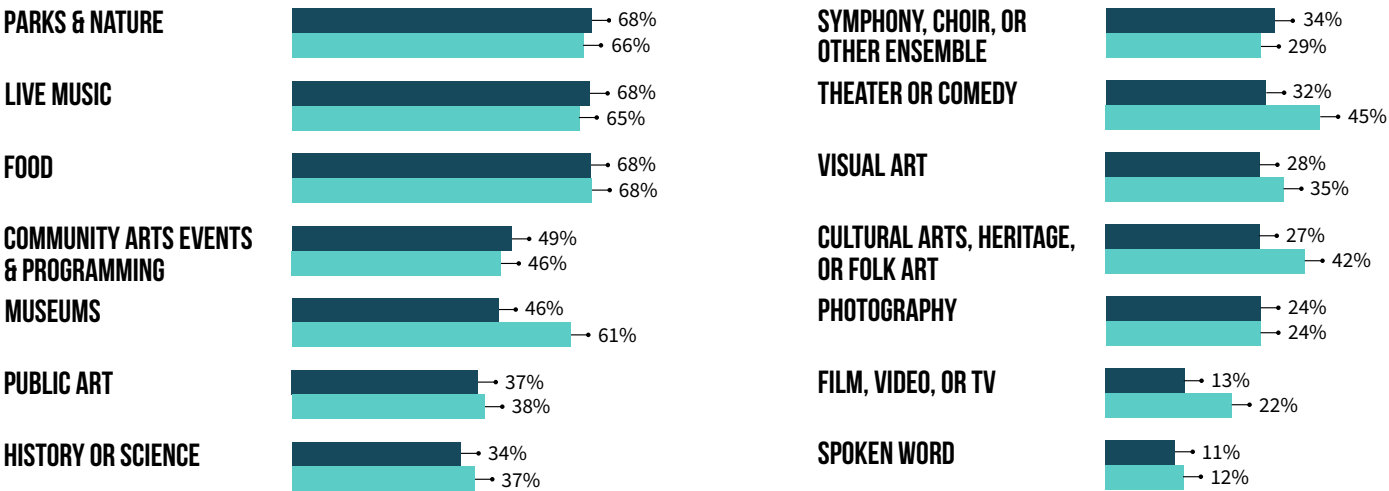
BUT THERE IS A HUNGER FOR MORE CULTURAL OPTIONS

While participants shared the overall quality of arts and culture in Danville was average, there is a hunger for more—specifically, live music and theater and community arts events and festivals. Residents also expressed a desire for more food options.

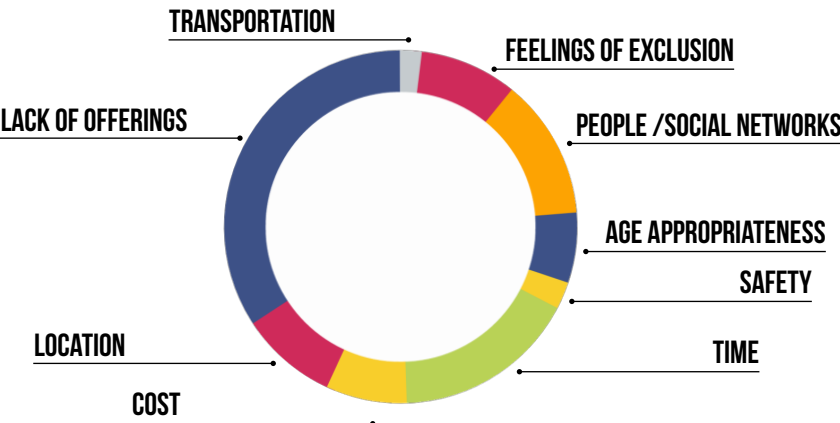
AND PUBLIC ART THAT SHOWCASES LOCAL CREATIVITY.

Participants want to see more murals and other public art that strengthens patronage of local businesses—especially downtown.

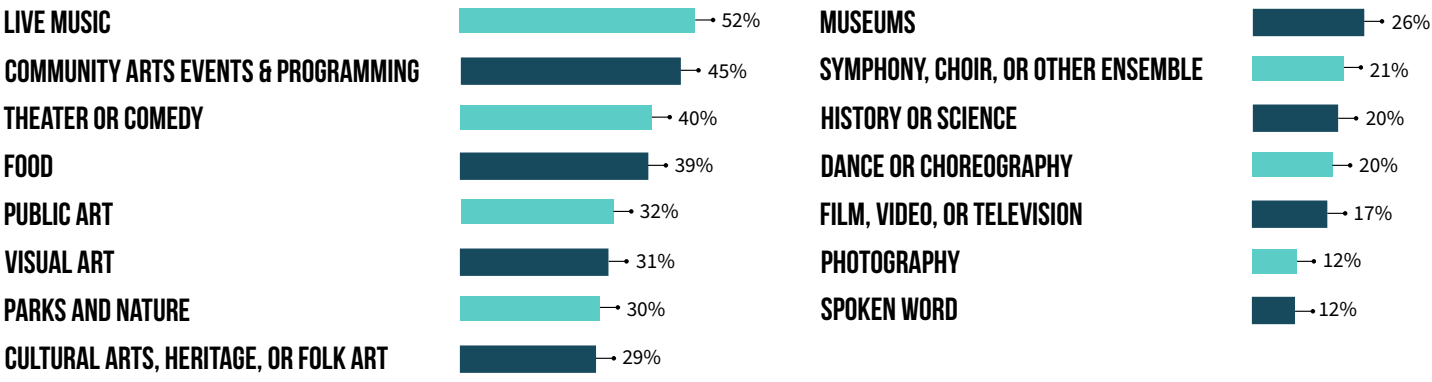
1 PLEASE SHARE WHICH ARTS AND CULTURAL ACTIVITIES YOU’VE PARTICIPATED IN, BOTH IN AND OUTSIDE OF DANVILLE, WITHIN THE LAST YEAR:



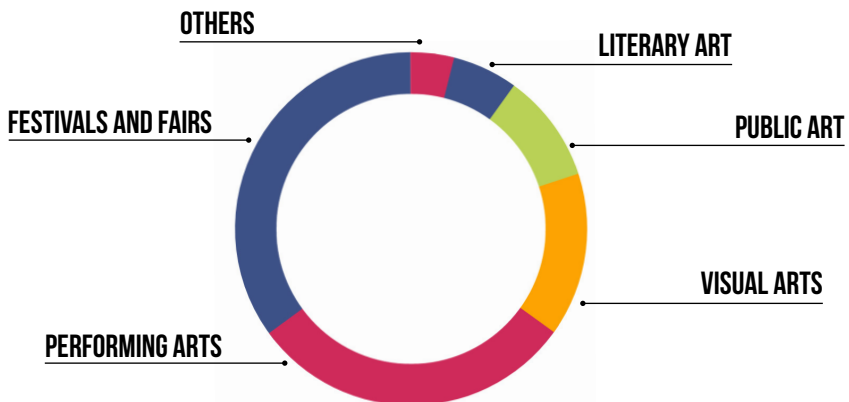
2 WHAT BARRIERS EXIST TO YOU PARTICIPATING IN ARTS AND CULTURAL ACTIVITIES IN DANVILLE?



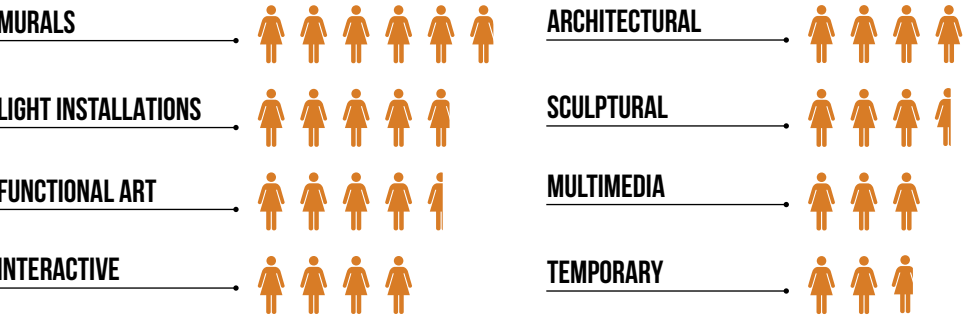
3 WHAT CULTURAL ACTIVITIES DO YOU WANT MORE OF IN DANVILLE?



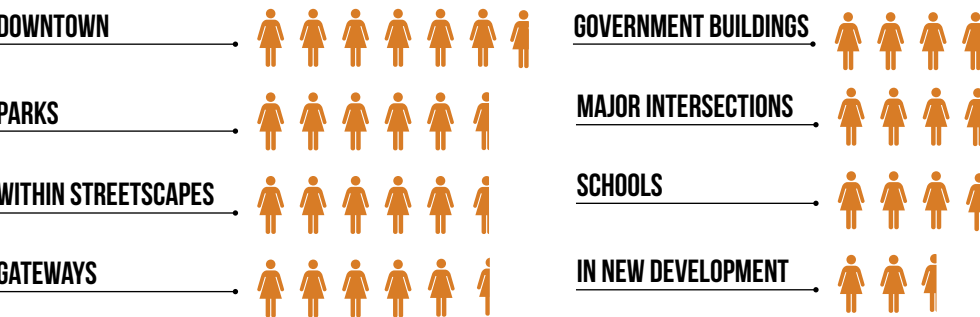
4 WHICH COMMUNITY EVENT OFFERING IS MOST IMPORTANT TO YOU?



5 WHAT TYPES OF PUBLIC ART WOULD YOU LIKE TO SEE MORE OF IN DANVILLE?



6 WHERE WOULD YOU LIKE TO SEE MORE PUBLIC ART IN DANVILLE?



7 WHAT IMPACT SHOULD PUBLIC ART HAVE?





GREENVILLE, SOUTH CAROLINA

Greenville, SC has recognized the need for providing access to cultural resources through a safe, walkable, and vibrant corridor that connects key institutions and attractions. To achieve this, the city is strengthening the physical connections between culturally significant landmarks by improving streetscapes, reducing traffic, and incentivizing drivers to use the Academy Street route instead of more culturally significant pedestrian corridors. Their plan to divert traffic includes removing one traffic lane and on-street parking, widening planting strips and sidewalks, and designing crosswalks for the corridor that lead pedestrians along the safest path from Main Street to Heritage Green. The city is also discussing potential public art projects and themed directional signage to give the corridor a cohesive look. Overall, the Culture Corridor is a promising development that aims to improve the cultural fabric of Greenville, SC.



COLUMBUS, GEORGIA

The Columbus 2025 plan was created with the goals of committing to equity and economic mobility and transforming the region by focusing on jobs, talent, and place. The most culturally significant outcomes fall under the place category.

Utilizing a Brownfield Grant provided by the EPA, the City of Columbus, Georgia revitalized four historic neighborhoods that make up the Mill District, once considered the Gateway to Columbus. Key goals of the project included transforming the 2nd Avenue Corridor to the Downtown Business District into a self-supporting live-work neighborhood with enhanced multi-modal access to the Uptown. The site includes artist studios alongside affordable housing options. In 2020, the city designated the Mill District a Purpose-Built Community, working to improve health outcomes, support mixed-use housing, and take a holistic approach to education from pre-K to post-grad.

Ultimately, the Mill District project works to turn what was once an environmental liability, with negative impacts on community health and upward-mobility outcomes, into a culturally significant and vibrant community-minded place.



Roanoke, Virginia, provides an exceptional model for leveraging public art to enrich community, identity, and vitality. Their success stems from a comprehensive Public Art Master Plan that guides the integration of art into public spaces by strategically selecting locations, themes, and artists. This initiative is sustained through a "percent for art" policy that allocates a portion of project budgets for public art, enhancing the city's aesthetics and fostering creativity.

Central to Roanoke's success is their active community engagement. They involve local residents in artist and theme selection through public meetings, surveys, and consultations, instilling a sense of ownership of and attachment to the artworks. Inclusive engagement strategies ensure the projects reflect the community's identity and gain broad support. Collaborations with schools and art organizations further engage residents, fostering pride and unity.

Moreover, Roanoke's commitment extends to supporting local artists and promoting diversity. By commissioning regional artists and showcasing their work in public spaces, the city empowers artists and celebrates its multicultural heritage. These installations serve as a platform for diverse cultures and perspectives, fostering understanding and creating a more inclusive environment for all residents.



The City of Hickory has embraced a comprehensive Public Art Master Plan, which includes the implementation of a "percent for art" policy, designed to foster the integration of public art throughout the city. This policy not only promotes artistic installations but also lays the foundation for community engagement and participation in the process of introducing new public art within the city. In addition to these city-level efforts, Catawba County has introduced strategic cultural initiatives that encompass a wide array of public art, rural placemaking, creative space activation, and the enhancement of community identity.

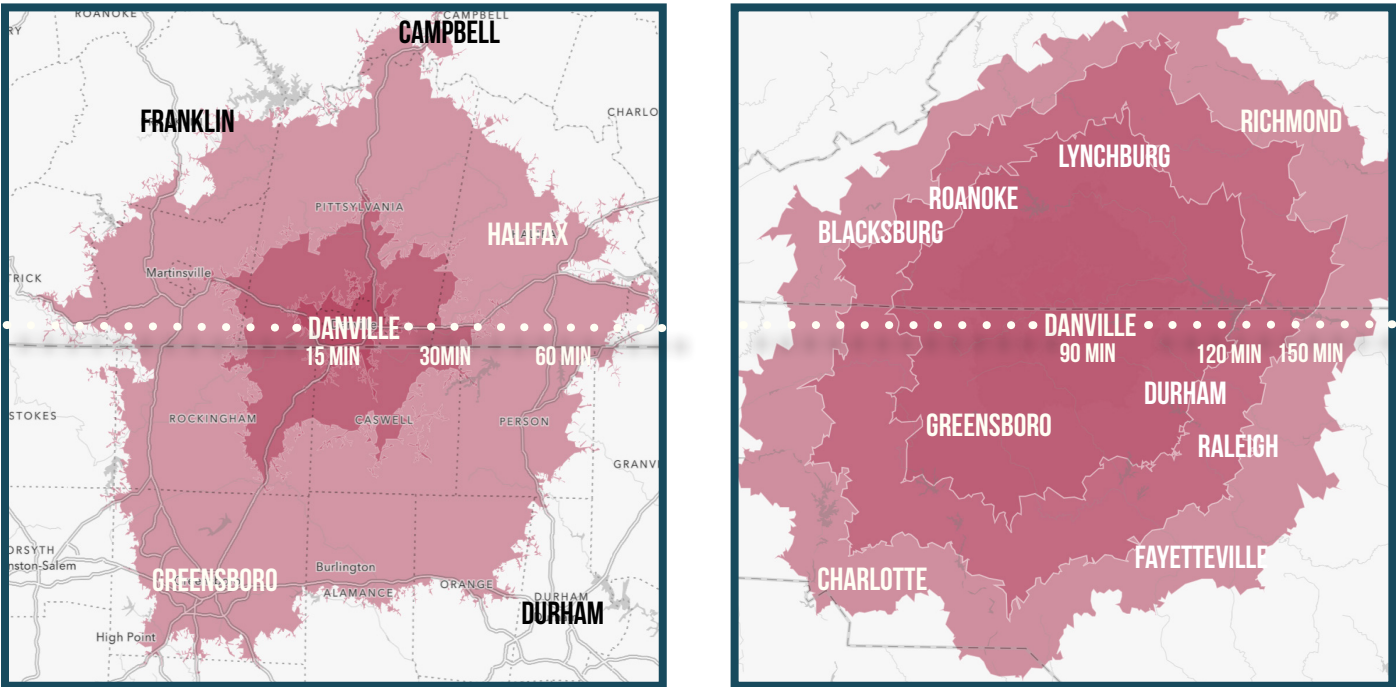
At the county level, these strategic priorities include the establishment of libraries as prominent community destinations. It also involves the creation of mobile libraries that serve as outdoor gathering spaces and hubs for interaction among residents. The implementation of story walking paths is a creative approach to engaging the community, and placing art and sculpture within various neighborhoods serves to cultivate a unique and creative sense of identity among residents.

DRIVE SHED MAPPING

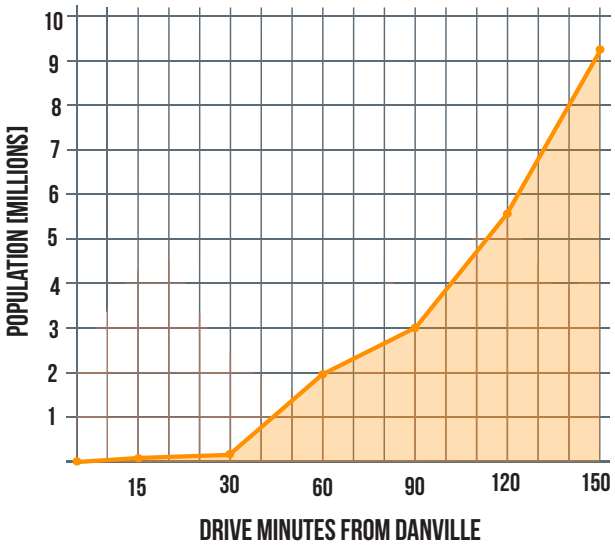
An analysis of the region shows that housing and rents are most affordable within a 15-minute drive of downtown Danville, while the total population within a 2.5-hour drive is nearly 10 million people (pulling from neighboring population centers of Lynchburg, Greensboro, Roanoke, Durham, and Raleigh). This makes Danville an ideal location for artists to establish themselves within the regional market.

Analyzing these trends in reverse, it becomes clear that Danville is uniquely positioned as a central location to capture a large market of individuals looking for arts and culture experiences outside of the communities in which they live and work. Moving from Danville to other areas of Virginia, population levels and median and average disposable incomes increase. Danville can capitalize on the tourism influx from Caesars Virginia to draw these higher-income individuals toward downtown and the proposed Culture District.

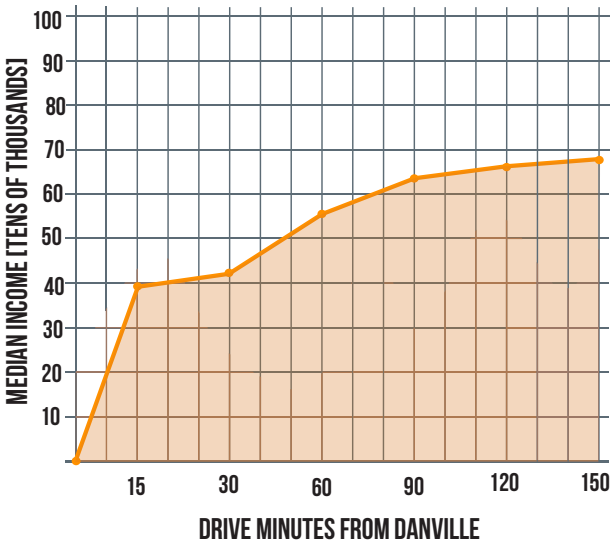
A further analysis of the region reveals that a significant population of 247,432 to the northeast of Danville is more than an hour's drive to the Lynchburg, Greensboro, Roanoke and Durham population centers, but less than an hour's drive to Danville, making this a possible catchment market for Danville arts and culture.



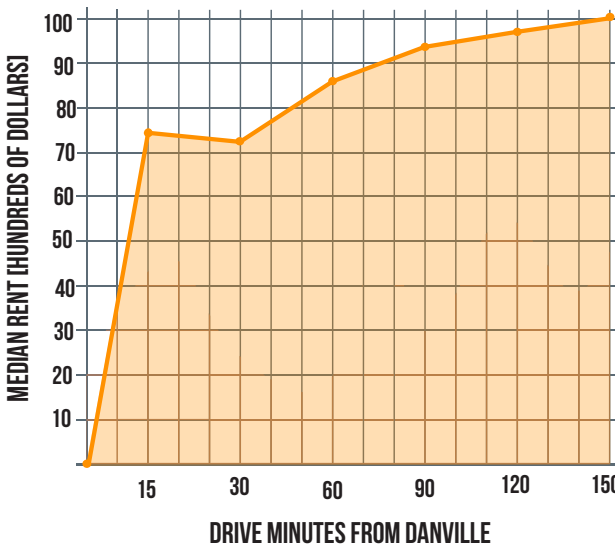
POPULATION REACH FROM DANVILLE



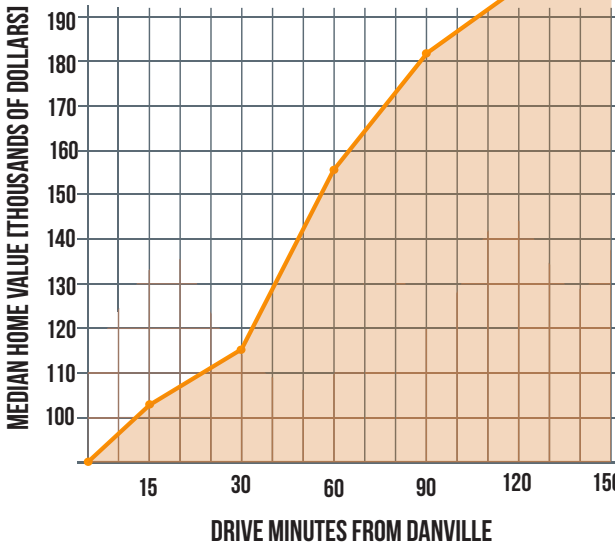
MEDIAN HOUSEHOLD INCOME DISTRIBUTION



MEDIAN GROSS RENT DISTRIBUTION

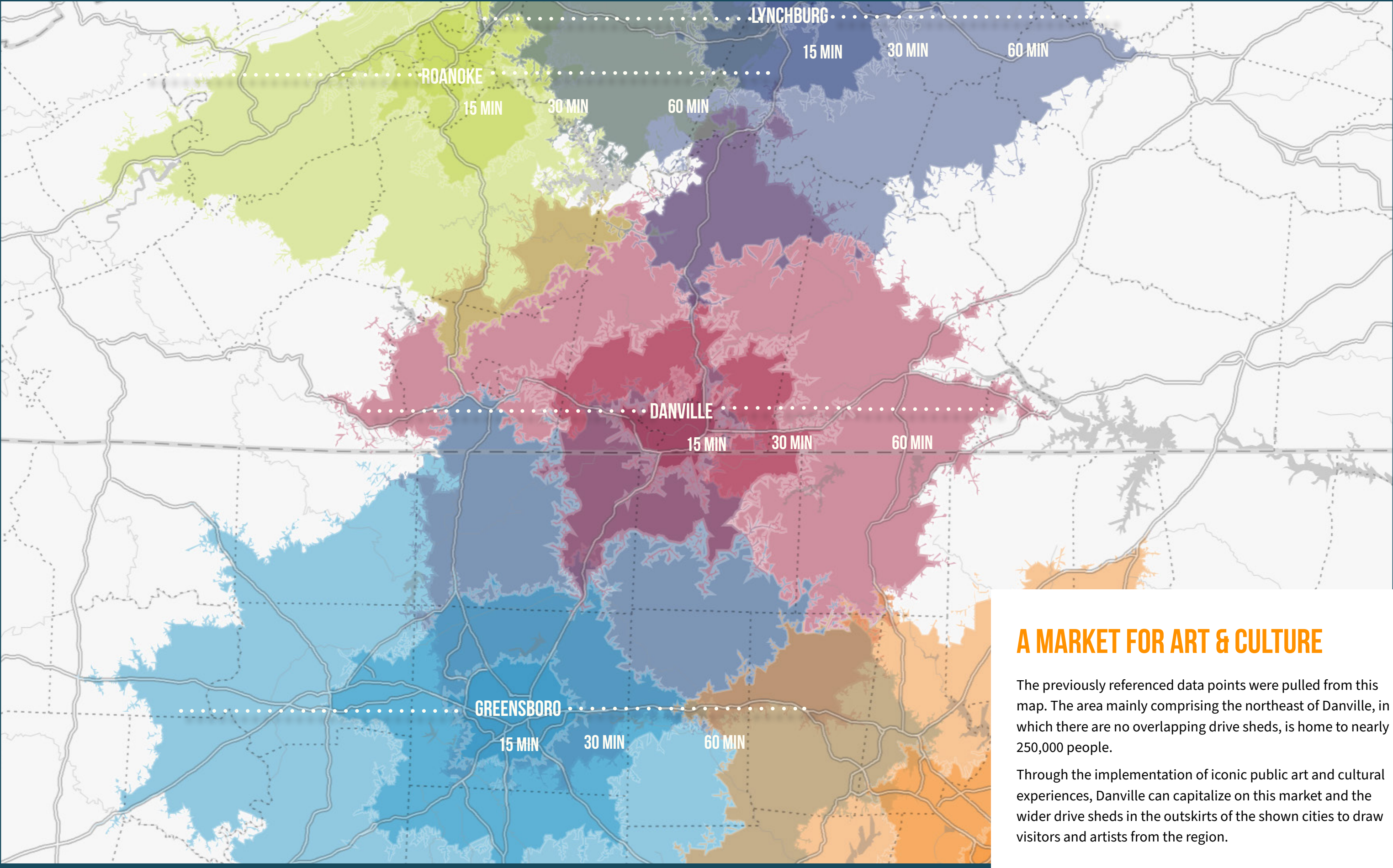


MEDIAN HOME VALUE DISTRIBUTION



DANVILLE DRIVE SHED

15 MIN	53,087	\$39,916	\$103,227	\$741	\$47,426
30 MIN	121,195	\$42,940	\$115,135	\$729	\$49,185
60 MIN	967,228	\$55,637	\$155,760	\$866	\$62,861
90 MIN	2,964,546	\$62,764	\$182,120	\$933	\$70,245
120 MIN	5,512,517	\$66,888	\$199,785	\$978	\$72,873
150 MIN	9,195,746	\$67,301	\$206,147	\$1,019	\$73,430
DRIVE SHED RANGE	POPULATION REACH	MEDIAN INCOME	MEDIAN HOME VALUE	MEDIAN RENT	DISPOSABLE INCOME



A MARKET FOR ART & CULTURE

The previously referenced data points were pulled from this map. The area mainly comprising the northeast of Danville, in which there are no overlapping drive sheds, is home to nearly 250,000 people.

Through the implementation of iconic public art and cultural experiences, Danville can capitalize on this market and the wider drive sheds in the outskirts of the shown cities to draw visitors and artists from the region.

THE CREATIVE



The Creative, whether an artist, artisan, musician, performer or a little of everything, would be pleased to see the opportunities available to them by living or working in Danville as the city builds its support of the local arts and culture identity. With access to affordable rents for properties to both live and work centralized within a regional economy of over 10 million, honing their practice in Danville just makes sense.

THE WEEKENDER



Weekenders throughout the region who love to get away would find that Danville is great place to do so. They might initially come for the casino but stay for the recreation, the charming River District, and nightlife, discovering along the way arts and culture experiences such as the sculpture walk or a show at Smokestack Theater. If they're lucky, they will also be able to experience all the new arts and culture experiences that enrich the community as part of this plan.

THE EXPLORER



The Explorer might be first coming to Danville for the sculpture walk, the burgeoning food scene, or the growing arts identity. The proposed Culture District would be a great place for them to start, as home to the Danville Museum of Fine Art and a variety of venues with programmable space to house experiences. They would likely funnel into the River District from there, where they could support local artists and artisans in their crafts.

THE LOCAL



The Local is a resident who has always seen the potential in Danville. Through the implementation of this plan, they will see their local arts and culture identity underscored with funding, transformed spaces, and support directed to areas in their community that promote cultural experiences. What should unfold is the physical representation of shared community ideals and themes.

THE NEIGHBORHOOD ADVOCATE



The Neighborhood Advocate would be pleased that among the tools created through this plan is a mechanism for placing art directly in neighborhoods through the Neighborhood Placemaking Grant. This program will allow community members to apply for funding and work with the proposed Public Art Coordinator to create specific installations that represent that community's identity within Danville.

THE ARTS ADVOCATE



The Arts Advocate is someone who sees the wealth of connections available locally and regionally and looks to reach across organizations and interests to facilitate excellent and compelling arts and culture experiences for residents and visitors alike. These individuals would look to utilize the strength of a growing local arts economy and network to achieve their own organizations' goals, while lending their own insights to strengthen neighboring organizations and interest groups.

CULTURAL ASSETS

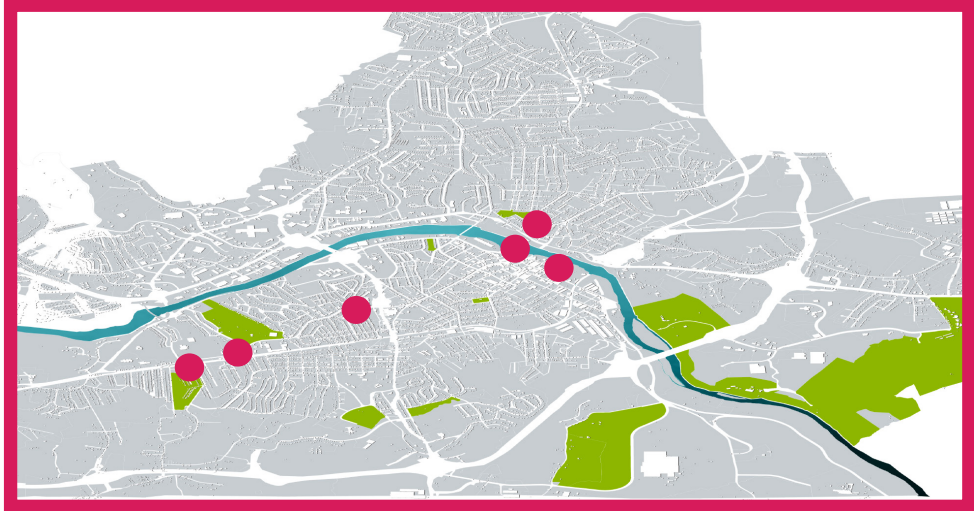
PLACE	LOCATION	STATUS	PROGRAM TYPE	CAPACITY
CARRINGTON PAVILION/THE CROSSING	CRAGHEAD ST	PUBLIC	PERFORMANCE VENUE	● ● ● ● ○
THE HISTORIC NORTH THEATER	NORTH MAIN ST	PRIVATE	CULTURAL EDUCATION	● ● ○ ○ ○
MUSEUM OF FINE ARTS & HISTORY	MAIN ST	PRIVATE	MUSEUM	● ○ ○ ○ ○
CITY AUDITORIUM	FLOYD ST	PUBLIC	PERFORMANCE VENUE	● ● ○ ○ ○
GEORGE WASHINGTON HS AUDITORIUM	BROAD ST	PUBLIC	PERFORMANCE VENUE	● ● ○ ○ ○
VIOLET T FRITH PERFORMING ARTS CENTER	MOUNTAIN VIEW AVE	PRIVATE	PERFORMANCE VENUE	● ● ○ ○ ○
SMOKESTACK THEATER COMPANY	LYNN ST	PRIVATE	PERFORMANCE VENUE	● ○ ○ ○ ○
VANTAGE ART FLATS	CRAGHEAD ST	PRIVATE	ARTIST RESIDENCY	● ○ ○ ○ ○
RUBY B ARCHIE LIBRARY	PATTON ST	PUBLIC	LIBRARY	● ○ ○ ○ ○

PARKS

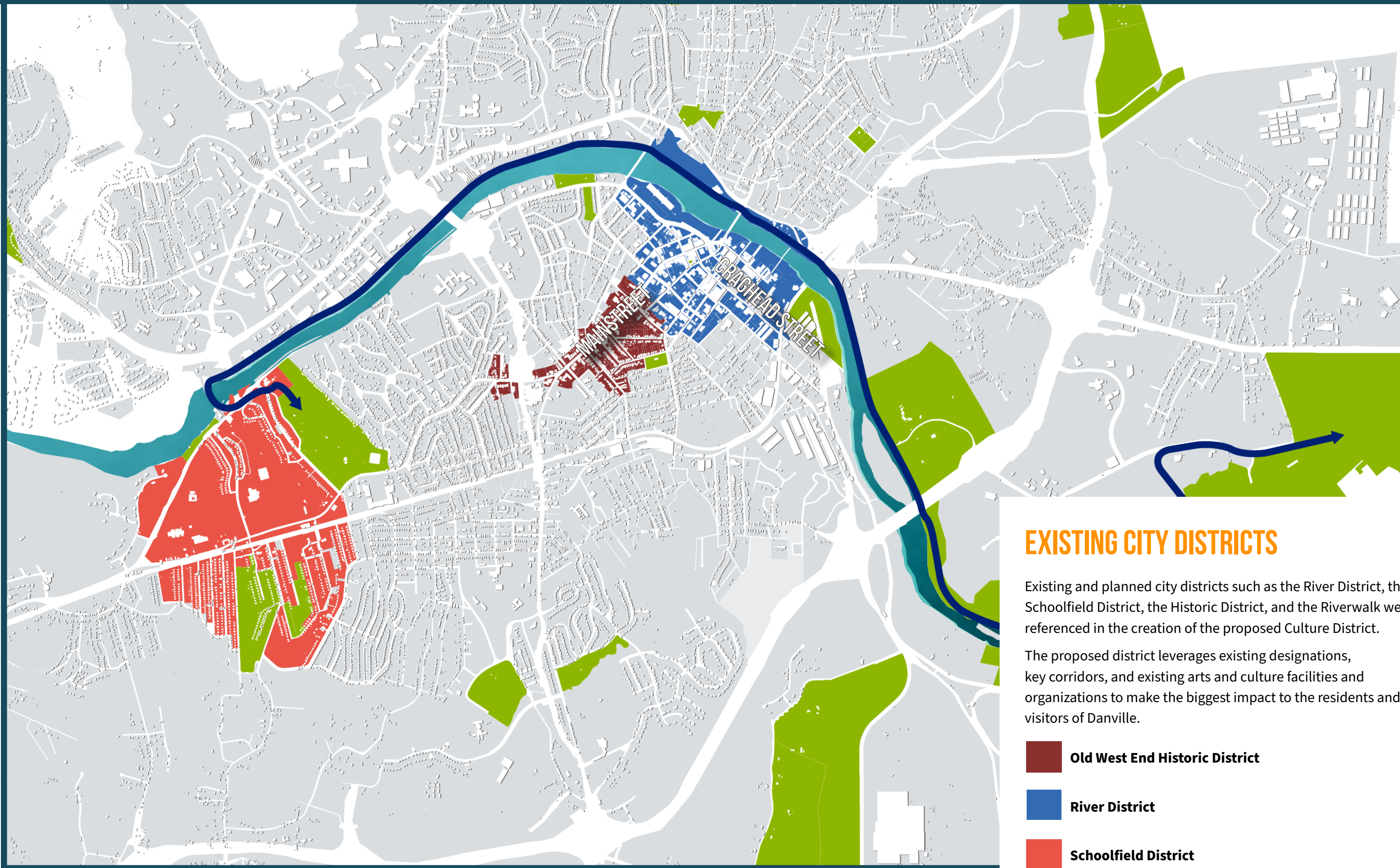
PLACE	LOCATION	STATUS	PROGRAM TYPE	CAPACITY
BALLOU PARK	MAIN ST	PUBLIC	TRAILS & REC CENTER	● ● ● ● ●
THE RIVERWALK	DAN RIVER	PUBLIC	TRAIL	N/A
DAN DANIEL MEMORIAL PARK	RIVER PARK DR	PUBLIC	SPORTS	● ● ● ○ ○
ANGLERS PARK	NORTHSIDE DR	PUBLIC	TRAILS & RECREATION	● ● ● ● ●
CAMILLA WILLIAMS PARK	MEMORIAL DR	PUBLIC	RIVERFRONT	● ● ○ ○ ○
RIVERFRONT PARK	EAGLE SPRINGS RD	PUBLIC	TRAILS	● ● ○ ○ ○
UNION STREET POCKET PARK	UNION ST	PUBLIC	RIVERFRONT	● ○ ○ ○ ○
DOYLE THOMAS PARK	GREEN ST	PUBLIC	TRAILS	● ○ ○ ○ ○
CAMP GROVE REC CENTER	BRADLEY RD	PUBLIC	RIVERFRONT	● ○ ○ ○ ○
GLENWOOD COMMUNITY CENTER	HALIFAX RD	PUBLIC	TRAILS	● ○ ○ ○ ○
PUMPKIN CREEK PARK	TAYLOR DR	PUBLIC	TRAILS	● ● ○ ○ ○

OTHER LANDMARKS

PLACE	LOCATION	STATUS	PROGRAM TYPE	CAPACITY
THE SCHOOLFIELD DISTRICT	MAIN ST	PRIVATE	LANDMARK	N/A
DAN RIVER FALLS BUILDING	DAN RIVER	PRIVATE	LANDMARK	N/A
CAESARS VIRGINIA CASINO	RIVER PARK DR	PRIVATE	CASINO/ENTERTAINMENT	N/A
THE DAN RIVER FALLS BRIDGE	NORTHSIDE DR	PUBLIC	LANDMARK	N/A
AVERETT UNIVERSITY	MEMORIAL DR	PRIVATE	INSTITUTION	N/A



*Data provided is only a snapshot at the time of plan recording, and may not be a comprehensive inventory of all existing regional assets. Inventory is provided in no particular order. Capacity is provided as 0–499 people, 500–1,999 people, 2,000–4,999 people, 5,000–9,999 people, and 10,000+ people. Parks capacities are best approximations.



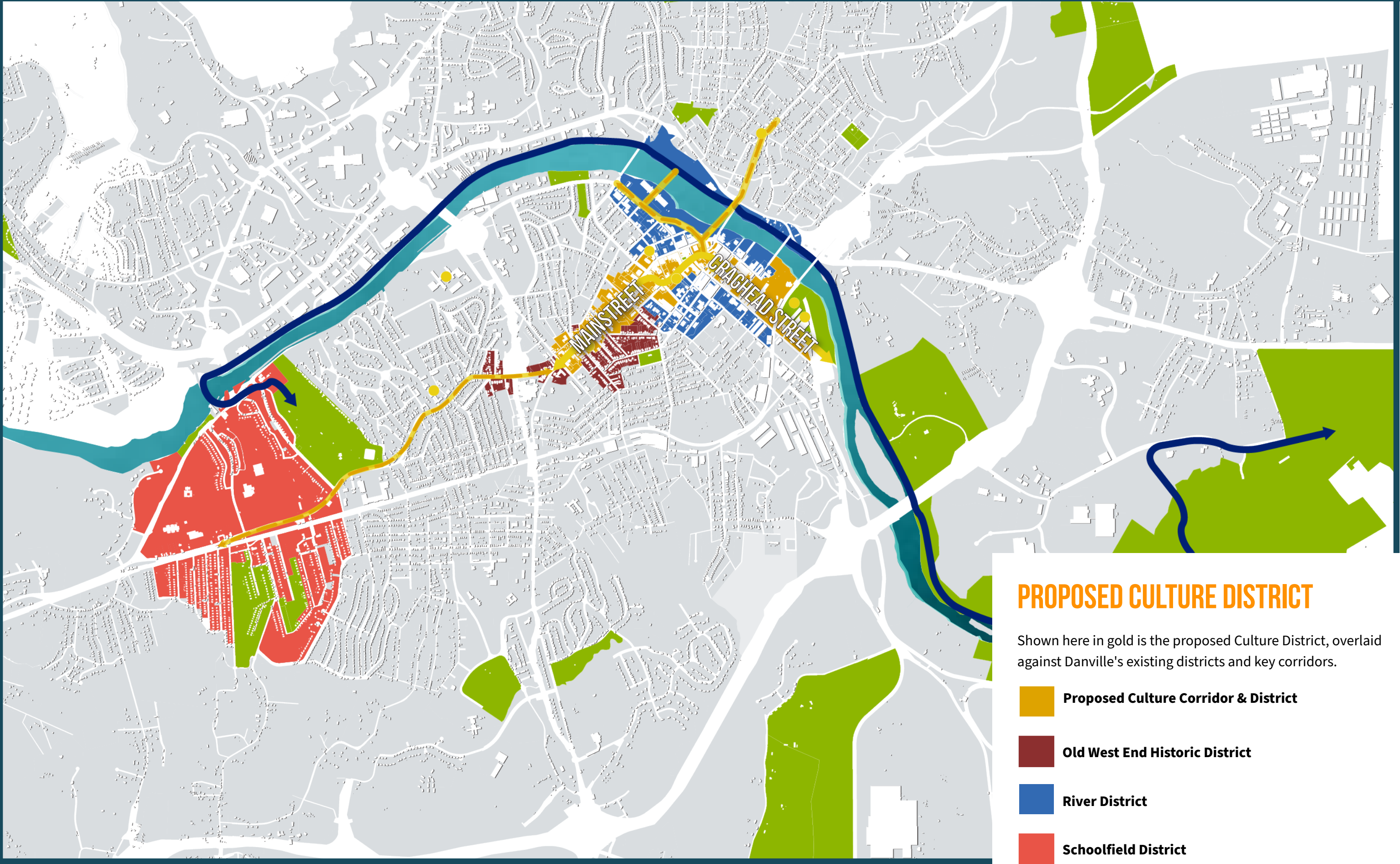
EXISTING CITY DISTRICTS

Existing and planned city districts such as the River District, the Schoolfield District, the Historic District, and the Riverwalk were referenced in the creation of the proposed Culture District.

The proposed district leverages existing designations, key corridors, and existing arts and culture facilities and organizations to make the biggest impact to the residents and visitors of Danville.

- Old West End Historic District**
- River District**
- Schoolfield District**

PROPOSED CULTURE DISTRICT

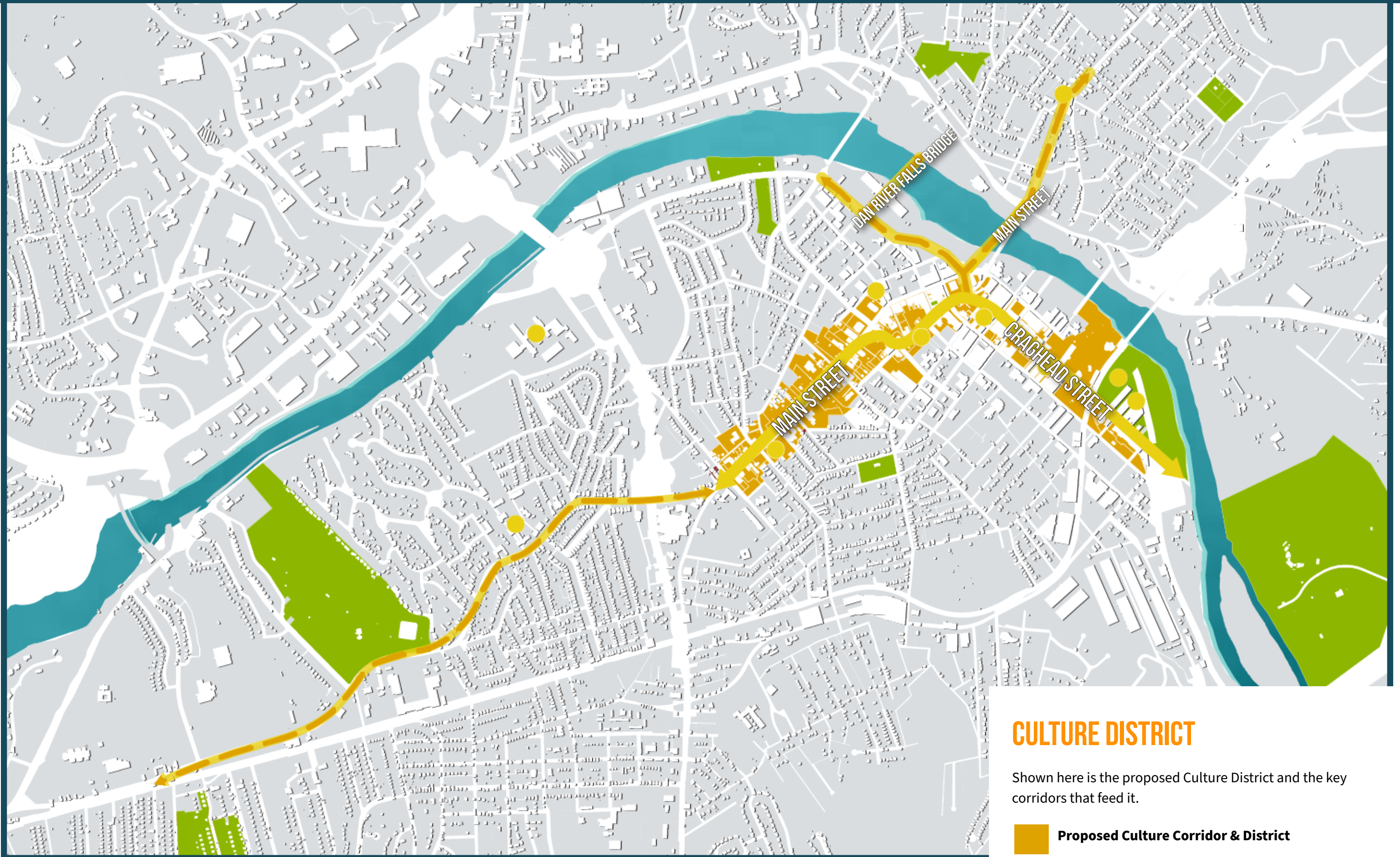


PROPOSED CULTURE DISTRICT

Shown here in gold is the proposed Culture District, overlaid against Danville's existing districts and key corridors.

-  **Proposed Culture Corridor & District**
-  **Old West End Historic District**
-  **River District**
-  **Schoolfield District**

PROPOSED CULTURE DISTRICT



CULTURE DISTRICT

Shown here is the proposed Culture District and the key corridors that feed it.

 **Proposed Culture Corridor & District**



**DANVILLE:
A CITY OF
CULTURE**



PUBLIC ART IN DANVILLE

A SOLID FOUNDATION

Danville has enacted its informal commitment to public art through various programs for years, for example by curating the Danville Art Trail, an 18-month exhibit of outdoor sculpture within a 1-mile radius of the JTI Fountain in the River District. Due to the success of the Art Trail, the community overwhelmingly supports an increase in investment in public art and a geographic expansion of artwork placement. Residents shared their desire to move to the next level in their city's commitment to public art with the formation of a formal Public Art Program. This investment would expand the city's commitment geographically, as well as create meaningful public art projects throughout the city. Several types of public art are mentioned throughout this document as being ideal for Danville; they are described in the following section.

KEY PUBLIC ART MEDIA TYPOLOGIES



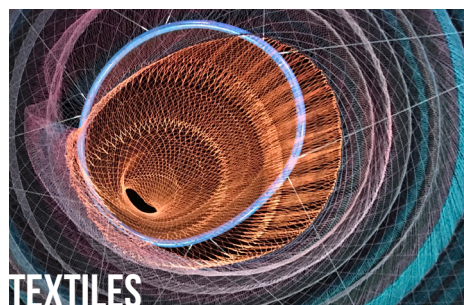
Functional art is ordinary infrastructure that has been reimagined and designed by an artist. Integrating unique designs into infrastructure may be an affordable and efficient way to create a major visual impact. Some possible options for functional art installations include bike racks, benches, play equipment, medians, subdivision walls, trash cans, transit stops, storm drains, manholes, monument signage, sidewalk treatments and more.



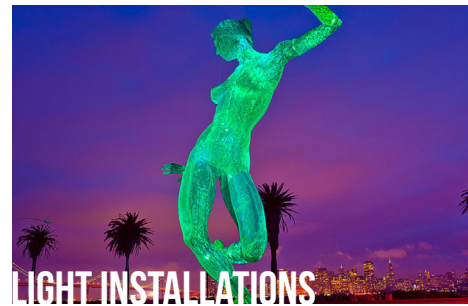
Murals are large-scale, two-dimensional compositions that can be: 1) painted onto the surface 2) graphic reproductions printed onto vinyl that is adhered to a surface, or 3) painted onto a panel that is affixed to the building. Environmental conditions, artwork display duration, artist ability, timeline, and budget are all considerations for which mural application style is suitable for a project. Ephemeral works such as murals allow many artists to be engaged over a short period of time rather than a few artists over a long period of time.



Mosaics come in many shapes and sizes and include glass or ceramics. The relative flexibility of the application of mosaics responds well to many art contexts. Mosaics can be inlaid for flooring or wall elements, or they may be a component of a sculpture. Terrazzo floors can be considered as a kind of mosaic installation.



Fiber art is any kind of artwork that uses natural or synthetic fiber materials as the primary component of its overall composition. Fiber art can take the form of wall hangings, tree wraps, suspended sculptures, and beyond. Examples of fiber materials include fabric, yarn, polyurethane materials (like tarp), and mesh.



Artists use lighting in creative and interesting ways in order to manipulate the built environment with limited physical impacts. Light installations may be used on existing buildings, in parks on substantial landscape features, or as part of a larger installation of sculpture. They may be especially impactful when used in infrastructure projects.

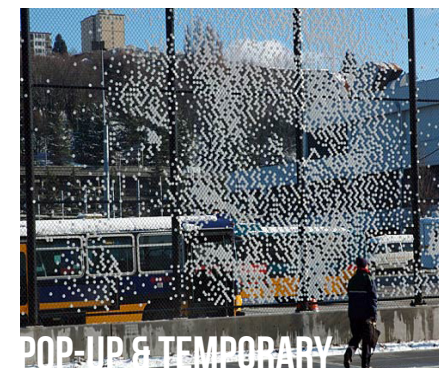


Multimedia installations may combine many other art types in ways that expand the imagination. Video, lighting, sculpture, murals, and more can be combined to make multimedia installations. Multimedia installations are especially useful for temporary or pop-up installations.

ADDITIONAL PUBLIC ART OPPORTUNITIES



Dance, theater, spoken word, and other types of public performances are ideal to stage in public spaces or alongside public art in Danville. Such performances have a particular relevance when staged at the unveiling of public artworks.



Though temporary art is not intended to live for a generation, it can have a lasting impact on a community by creating a sense of surprise and joy in unexpected places. Some ideal locations for temporary installations include construction sites, sidewalks, alleyways, parks, and temporarily empty spaces and storefronts. Temporary art can be done inexpensively and easily, provide opportunity for additional artist engagement, and deliver huge impact for a relatively small investment.



Participatory art involves the community or a public group in the process of art-making, as guided by an artist. Artwork that emerges from a participatory experience enhances and celebrates its process and participants over short or long periods of time. Collaborative art pieces engage people to generate feelings of community pride and ownership.



Site-specific art is artwork that is aesthetically, conceptually, and/or thematically connected to the unique circumstances, culture, history, and environment of a particular site. Site-specific art can take many forms, and may be permanent or temporary. In this approach to art-making, artists extensively research the place, site, or area where the site-specific artwork will be placed. Site-specific art tells the story of a place through its surroundings, enriching the experience of the place itself.

DANVILLE

The planning process asked broad questions of participants in order to cast a sweeping community vision for arts and culture in Danville. This vision, developed based on survey results and conversations with stakeholders and the public, is one that is big and bold, and will prepare Danville to become a city known for embracing and celebrating its unique culture.

1

A CREATIVE IDENTITY.

The public supports Danville becoming a cultural destination within the region and wants creativity to be synonymous with its identity.

2

A PLACE WITH STRONG FACILITIES FOR CREATION & CELEBRATION.

Spaces should be dedicated to existing cultural arts in the city, as well as new culture creation.

3

A CULTURE OF CREATION EVIDENCED BY THE BUILT ENVIRONMENT.

The public has a significant interest in seeing physical manifestations of cultural activity throughout the city.

4

A REGIONAL DESTINATION FOR ARTS AND CULTURE.

Danville is well positioned to become a regional hub for arts and culture, as the city is centrally located in a large region. Investment in arts and culture will affirm Danville as a cultural destination.

VISION

Danville is a regional hub for arts and culture because of its investment in public art, cultural facilities, community arts, and support of local cultural organizations.



PROGRAM PRIORITIES

1

**DELIVERING HIGH-QUALITY COMMUNITY ARTS
FOR DANVILLE RESIDENTS**

2

**DEVELOPING DANVILLE AS A DESTINATION
FOR CULTURAL TOURISM**

3

**INCREASING REPRESENTATION IN THE
CIVIC LANDSCAPE**

4

SUPPORTING COMMUNITY-DRIVEN ARTS

5

**INVESTING IN ICONIC PUBLIC ART &
PROGRAMMING**

6

ENSURE LONG-TERM PROGRAM SUCCESS



STRATEGIES TO ACHIEVE THE VISION

When implemented, the following five strategies will realize Danville's vision of being a city of culture. Each strategy is accompanied by action items to support it, a timeframe for implementation, staffing requirements, relative cost, case studies, and target audience (as appropriate).

RECOMMENDED STRATEGIES

- 1—Establish the Cultural Arts Program through the creation of a new division, public participation, strong leadership, and sustainable funding.
- 2—Formally establish the Danville Public Art Program through the adoption of sound policy and administrative processes.
- 3—Invest in iconic public art experiences throughout Danville.
- 4—Provide cultural facilities for Danville residents to create and consume cultural events and programming.
- 5—Provide meaningful cultural experiences for Danville residents throughout the city.

IMPLEMENTATION TIMELINE

Immediate

1–2 years

3–5 years

5+ years

COST

\$—\$0–\$250,000

\$\$—\$250,000–\$1 million

\$\$\$—\$1 million+

RELATIVE IMPACT

Low—Strategies that are essential to the long-term health and sustainability of Danville's cultural sector, but may go unnoticed by the community at large

Medium—Strategies that improve residents' experience at the individual level

High—Strategies that fill a significant gap in the market; set the foundation for new programs, projects, or practices; or directly shift the general perception of Danville as an arts and cultural community

An aerial photograph of a city, likely Danville, showing a large bridge spanning a wide river. The city features a mix of historic brick buildings and modern structures, surrounded by green trees. The sky is clear and blue.

STRATEGY 1

ESTABLISH THE CULTURAL ARTS PROGRAM.

ACTION 1.1

ESTABLISH A CULTURAL ARTS DIVISION WITHIN THE PARKS AND RECREATION DEPARTMENT.

A Cultural Arts Division, responsible for cultural facilities, programming, classes within cultural facilities and general parks facilities, and public art, should be established within the Parks and Recreation Department.

Timing: Immediately
Necessary Staff: Parks and Recreation Director, City Manager
Potential Future Staff: Cultural Arts Manager, Public Art Coordinator
Relative Cost: \$
Relative Impact: High
Target Character Profiles:



ACTION 1.2

SEAT THE CULTURAL ARTS COMMISSION TO PROVIDE STAFF GUIDANCE AND COMMUNITY DIRECTION FOR ARTS AND CULTURE PROGRAMMING.

A Cultural Arts Commission should be established to support staff and generate community support for cultural arts in Danville. The Commission should be a 7-member body that includes a non-voting member of Council. Commission members should reflect the demographics of Danville in terms of age, race, gender, and income levels. The Cultural Arts Commission should be responsible for recommending proposals and the selection and commissioning of artists for the development of public art, advising city staff on public art projects and maintenance, and considering public art on public property throughout Danville.

Timing: Immediately
Necessary Staff: Parks and Recreation Director, City Manager, City Council
Potential Future Staff: Cultural Arts Manager
Relative Cost: \$
Relative Impact: High
Target Character Profiles:



ACTION 1.3

ENSURE THE CULTURAL ARTS DIVISION IS LED BY QUALIFIED STAFF.

Establishing the Cultural Arts Division and implementing the Cultural Arts Plan will take significant leadership and qualified staff. Two full-time positions should be considered: Cultural Arts Manager and Public Art Coordinator. Both positions would report to the Parks and Recreation Director.

Timing: 1–2 years
Necessary Staff: Parks and Recreation Director, City Manager, City Council
Potential Future Staff: Cultural Arts Manager, Public Art Coordinator
Relative Cost: \$
Relative Impact: High
Target Character Profiles:



STAFF JOB DESCRIPTIONS

Cultural Arts Program Coordinator

A full-time staff member should be hired to manage Danville’s Cultural Arts Division and ensure that all cultural facilities and projects are managed according to the city’s best interests.

Responsibilities:

- Oversee all cultural facilities
- Direct programming at cultural facilities
- Manage bookings at city-owned cultural venues
- Manage and oversee the Public Art Program
- Develop and implement an annual Work Plan in coordination with the Cultural Arts Commission and appropriate city departments and representatives
- Manage staff who are responsible for executing art classes in parks facilities
- Review any necessary management agreements with artists, contractors, community groups, private property owners, and the city as needed
- Identify inter-departmental collaborations and sources of funds for cultural arts
- Serve as a liaison between the city, artists, cultural organizations, and cultural partners in Danville
- Report to the Parks and Recreation Department Head
- Support the Cultural Arts Commission
- All other duties as assigned

Public Art Coordinator

A Public Art Coordinator should be hired to manage Danville’s Public Art Program and ensure that each public art project is executed according to the city’s best interests.

Responsibilities:

- Develop and implement an annual Public Art Work Plan in coordination with the Cultural Arts Commission and appropriate city departments and representatives
- Oversee the administration of the commissioning of new works of public art, including, but not limited to:
 - Project planning—Developing scopes of work and project budgets, coordinating with the project manager and project architect, and identifying community partners when necessary
 - Management of the artist selection process—Developing and distributing RFQs and RFPs, staffing the artist selection commissions, and conducting artist workshops
 - Project implementation—Developing contracts, getting necessary approval, coordinating with the project manager, reviewing preliminary and final designs, and monitoring artist progress and compliance with the project contact
 - Documentation—Keeping records of contracts, photographs, construction drawings, maintenance manuals, and meetings
 - Community education—Assisting in garnering publicity for projects, facilitating public meetings, and developing educational materials

- Oversee the work of project consultants
- Ensure adequate insurance and liability protection is secured by artists, contractors, and the city prior to installation
- Coordinate any necessary management agreements with artists, contractors, community groups, private property owners, and the city as needed
- Monitor private development projects to assist developers in including public art in their developments and guide them, when requested, through the process of placing public art
- Identify collaborations and sources of funds
- Oversee a comprehensive conservation survey of the Danville Public Art Collection and ensure all necessary repairs are conducted
- Serve as a liaison between the city, artists, and/or business organizations relative to the Public Arts Program
- Report to the Parks and Recreation Department Head
- Support the Cultural Arts Commission
- All other duties as assigned

ACTION 1.4
FUND THE CULTURAL ARTS PROGRAM THROUGH A 2% DEDICATION OF CASINO REVENUE IN PERPETUITY.

In order to realize the vision of the community becoming a destination for arts and culture, Danville should dedicate 2% of casino revenue annually to arts and culture. After 5 years, the city should examine how much revenue has been generated and determine whether other mechanisms are necessary to support the community’s vision for public art.

Timing: 1–2 years
Necessary Staff: Parks and Recreation Director, City Manager, City Council
Potential Future Staff: Cultural Arts Manager, Public Art Coordinator
Relative Cost:
Relative Impact: High
Target Character Profiles:





STRATEGY 2

FORMALIZE THE PUBLIC ART PROGRAM.

ACTION 2.1

ADOPT THE DANVILLE PUBLIC ART PROGRAM POLICY.

In order to establish a successful Public Art Program, the City of Danville should formally adopt the following policies. Each directs a specific aspect of the program and ensures the city is following consistent procurement practices; maintaining its commissions through long-term planning and maintenance; governing the program with strong public trust; and providing clear direction for artists, private developers, and donors to follow when participating in the program. The proposed policy and guidelines can be found beginning on page 69.

Timing: Immediately

Necessary Staff: Parks and Recreation Director

Potential Future Staff:

Relative Cost: \$

Relative Impact: High

PROGRAM POLICIES

Public Art Program Introduction (p. 69)

This policy establishes the mission, vision, and guiding principles for the program, as well as overall definitions for the policy.

Collection Management Policy (p. 77)

This policy establishes the management practices of artworks acquired through the solicitation and donation processes, which are considered part of the city's Permanent Collection and must be cared for accordingly.

Donation Policy (p. 81)

This policy establishes the donation process for artworks not commissioned by Danville, each of which must come with a plan to fund and deliver ongoing maintenance for it.

Maintenance Policy (p. 83)

This policy establishes the procedures for maintenance of the art collection.

Administrative Guide (p. 70)

This guide outlines the roles and responsibilities of citizens, city staff, and elected officials in the development, funding, and implementation of the Danville Public Art Program.

Mural Guidelines (p. 85)

These guidelines outline how to handle publicly-owned murals on both public and private property and include the process for approval.

STRATEGY 3

INVEST IN ICONIC PUBLIC ART EXPERIENCES THROUGHOUT DANVILLE.

ACTION 3.1

COMMISSION TEMPORARY PUBLIC ART EXPERIENCES AT THE NEW RIVERFRONT PARK.

Temporary public art events are gaining popularity across the world and provide significant benefits to the communities that host them. Usually for a long weekend to a few weeks, a temporary art event has a theme and stacks cultural experiences on top of the main event—public art. The work could be lights, murals, or sculpture. Events are ticketed and seek to recoup some costs associated with the event. Often these events take place every two years and seek to become a destination within their host region. Such an event in Danville could start small to gauge interest and then grow annually.

Priority Actions:

- Determine what type of event the city should host and what year would be appropriate to host the first event.
- Select a site for the first annual event and consider how to make it a success through marketing, budgeting and fundraising, and the stacking of cultural experiences.
- Execute the first temporary public art event and gauge from participants—through surveys or social media activity surrounding the event—whether future events could be more ambitious.

Timing: 2–3 years

Necessary Staff: Event coordinator

Potential Future Staff: Event Coordinators, Public Art Coordinator

Relative Cost: \$–\$\$

Relative Impact: High

Target Character Profiles:



CASE STUDIES TO SUPPORT ACTION 3.1

GLOW | SANTA MONICA, CALIFORNIA

The Glow Festival hosted on and around the Santa Monica Pier in California is listed as the “country’s only nighttime arts celebration that showcases all original work.” At the 2010 festival, the 150,000 people in attendance were able to enjoy around 15 light-up interactive art installations along the boardwalk. Organizers brought artists from California and around the world to feature their art at this onetime event that received widespread attention and pleas from the community for another.

NORTH FOREST LIGHTS | BENTONVILLE, ARKANSAS

North Forest Lights is a seasonal nighttime lighting experience offered annually in Bentonville, Arkansas. The exhibition, which premiered in 2019 and has come back each year since upon demand from the community, takes visitors through an outdoor trail featuring 5–8 themed installations with different light, sound, and sensory effects. The concept was created and produced by The Momentary and brought to Bentonville by Crystal Bridges Museum of American Art. Each year, news sources have predicted the exhibition would not return, but another installation was featured throughout 2023.

ACTION 3.2

INVEST IN PUBLIC ART ALONG DANVILLE’S TRAIL SYSTEM TO ENHANCE TRAIL USERS' EXPERIENCE.

An investment in public art along Danville’s extensive and well-used trail system would be an early win for the public art program and demonstrate the city’s continued commitment to unique experiences. The city should invest in a number of public art pieces along the trail that vary in scale and size and are placed throughout the trail experience. Some pieces should be at trailheads, while others should only be accessible to those using the trail by bike or on foot.

Priority Actions:

- Consider the entire trail network and where new connections should be made, including the connection of the Riverwalk to the Casino, which spans 2.6 miles.
- Identify funding for public art along the existing trail system, whether from the general fund or grants (as new trails will benefit from the new percent for art funding).
- Develop a plan for placement along the trails. Consider trailheads, intersections with major roadways or intersecting trails.

Potential Public Art Projects for the Trails:

- Painting or lighting of smokestacks
- Mural boards along trail
- Temporary sculpture along trail

Timing: 3–5 years

Necessary Staff: Parks and Recreation Director

Potential Future Staff: Public Art Coordinator

Relative Cost: \$–\$\$

Relative Impact: High

Target Character Profiles:



CASE STUDIES TO SUPPORT ACTION 3.2

INDIANAPOLIS CULTURAL TRAIL | INDIANAPOLIS, INDIANA

The Indianapolis Cultural Trail is an 8-mile urban bike and pedestrian path that lies throughout downtown Indianapolis, Indiana. The trail makes use of the city’s greenway system and connects users to neighborhoods, 6 of the 7 cultural districts in the city, museums, theaters, shops, restaurants, hotels, and parks. Along the trail, users can find 7 public art pieces, most of which were commissioned for the neighborhoods the trail passes through. The trail is also near at least 61 art pieces that users can step away to enjoy. The trail was originally designed and constructed with \$63 million that came from local philanthropy and federal transportation grants. It opened around 2013 after 12 years of planning and 6 years of construction. It is now managed and maintained by the nonprofit Indianapolis Cultural Trail Inc (ICT Inc). It is estimated that the economic impact of the trail since opening is \$864.5 million; several other projects across the U.S. and Canada have been inspired by the Indianapolis Cultural Trail.

JOHNNY CASH ART TRAIL | FOLSOM, CALIFORNIA

The Johnny Cash Trail in Folsom, California is 2.5-mile bike and pedestrian trail that opened in 2017 and connects users to the Folsom Historic District, 2 waterways, and historic prison grounds, and stands as an addition to the existing 50+ miles of paved trails in the area. This is an ongoing project, but once the installations are finished, users will be able to find 8 sculptures inspired by Johnny Cash’s historic performance in Folsom, and one of Cash’s songs, “Man in Black.” The sculptures that will be seen here were designed by either artists from the local public art firm Romo Studios or the Illinois-based Fine art Studio of Rotblatt Amrany. As the trail user walks through, they will have the opportunity to use an app on their smartphone to take a free self-guided tour through Cash’s life using each art piece as a benchmark. As the project progresses, funds are being raised, mostly through donations from the community. Johnny Cash’s son, John Carter Cash, performed in Folsom in 2022 to help raise money to fund the project.

LOWER.COM FIELD SMOKESTACKS | COLUMBUS, OHIO

To celebrate the building of a new soccer stadium in Columbus, Ohio, smokestacks were painted and outfitted to billow colorful smoke to enhance the fan experience and bring something unique to the stadium.



ACTION 3.3

DEVELOP THE DANVILLE MURAL GRANT PROGRAM.

The city should establish a Danville Mural Grant Program that funds up to 50% of the cost of new murals on private property to support the creation of new murals throughout Danville. Applicants would have to abide by the mural guidelines and submit a permit application. Funds should be distributed on a first come, first served basis. Applicants should submit their contract with their selected artist and proof of payment to receive grant funds. The city could also allow grant funds to be used for restoration of historic murals.

Priority Actions:

- Identify funding for the mural grant program and establish the annual allocation for the program.
- Understand potential approvals for murals in specific areas and establish a process for approaching approval.
- Develop the application process for the grant funding.
- Market the grant program to property owners.
- Manage applications and required paperwork for receiving the grant funds.

Timing: 3–5 years

Necessary Staff:

Potential Future Staff: Public Art Coordinator

Relative Cost: \$

Relative Impact: High

Target Character Profiles:



ACTION 3.4

INVEST IN PUBLIC ART WITHIN THE UNION STREET POCKET PARK AND HOME SIGN PLAZA.

The existing River District pocket parks are great assets and should have public art added as key features. These pocket parks could have regular programming within them as well, and act as places of respite for pedestrians who are exploring downtown.

Priority Actions:

- Determine public art opportunities.
- Consider partnering with the Danville Historical Society, which owns the Home Sign.
- Implement public art.
- Understand the site's capacity for regular cultural programming.

Timing: 3-5 years

Necessary Staff: Parks and Recreation Director

Potential Future Staff: Public Art Coordinator, Cultural Arts Manager

Relative Cost: \$\$

Relative Impact: High

Target Character Profiles:



ACTION 3.5

DESIGNATE THE PROPOSED AREA AS DANVILLE'S CULTURE DISTRICT.

Danville should designate the River District and the adjoining sections outlines below as the Cultural District. This designation should direct funding and bring additional visibility to the arts that already exist as well as lay the foundation for more investment in the arts. Danville should consider directing funds for projects for a certain period of time to programming and public art within downtown to ensure early high impact projects. Digital kiosks could be installed to advertise cultural events and celebrate local artists. Recorded performances and static images should be considered for the kiosks.

Priority Actions:

- Determine boundaries of the Cultural District.
- Determine if an incentive program should be created for creative businesses within the boundaries of the District in which a subsidy could be offered for new creative businesses.
- Understand marketing needs for adding additional identity to the River District and what support is needed to achieve desired marketing objectives
- Understand proposed events and regular programming needs and develop a plan to achieve these objectives
- Determine what future areas of Danville could be designated cultural districts in the future.

Timing: 1–3 years

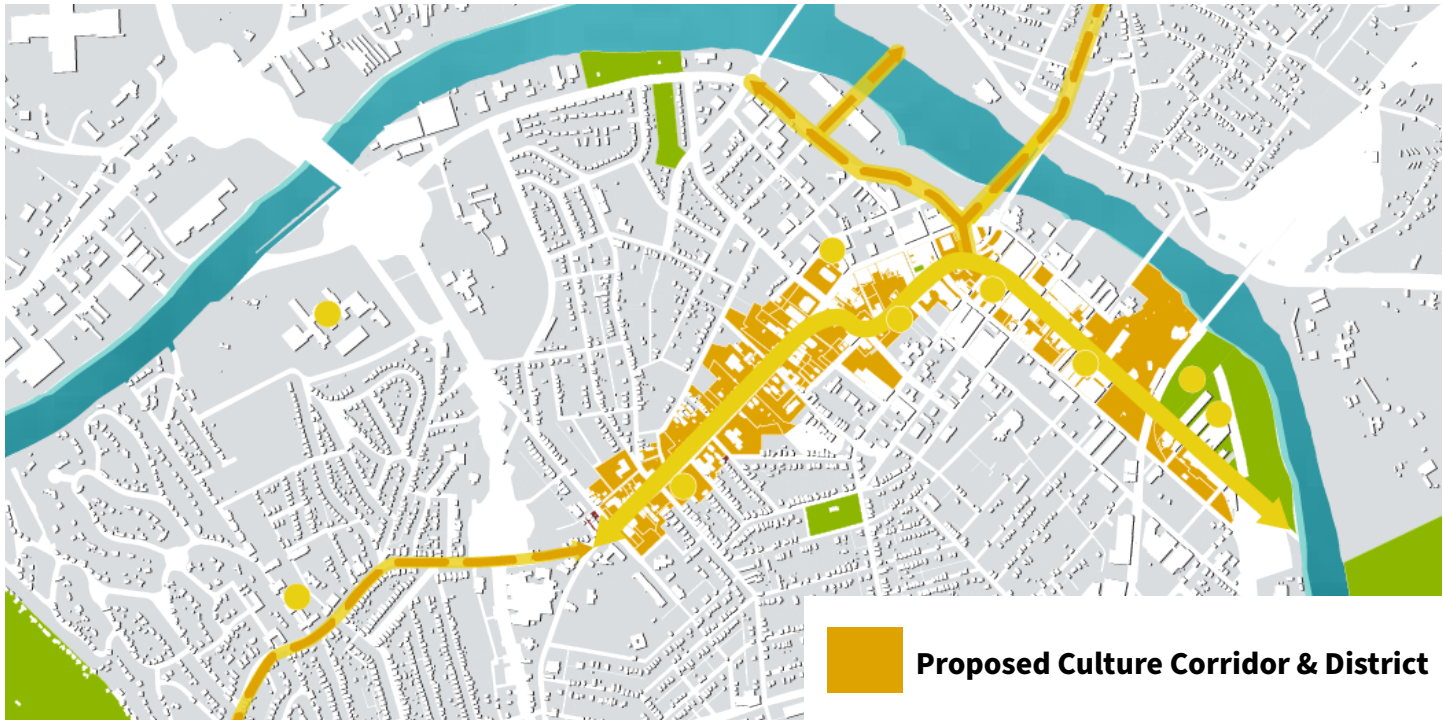
Necessary Staff: Parks and Recreation Director

Potential Future Staff: Public Art Coordinator, Cultural Arts Manager

Relative Cost: \$

Relative Impact: High

Target Character Profiles:



ACTION 3.6

COMMISSION AN ARTIST TO DEVELOP A UNIQUE DANVILLE PLAYGROUND EXPERIENCE.

Danville should commission an artist to design a playground that elevates the play experience for parents and children alike, and becomes a signature experience within the city.

Priority Actions:

- Identify a centralized park that would make an ideal site, such as Ballou Park.
- Procure funding for the project.
- Release a national call for artists under following the outlined public art policy.
- Contract with an artist to design and install the playground.

Timing: 2–5 years

Necessary Staff: Planning Staff

Potential Future Staff: Public Art Coordinator

Relative Cost: \$\$

Relative Impact: High

Target Character Profiles:



ACTION 3.7

DEVELOP THE NEIGHBORHOOD PLACEMAKING PROGRAM GRANT.

Danville should establish the Neighborhood Placemaking Program Grant to provide neighborhoods an opportunity to consider their unique identities and how an artist might manifest them artistically. This program could accept applications on a rolling basis, with a target investment of 3 neighborhoods annually.

Priority Actions:

- Identify neighborhoods of Danville and organizations that may be interested in the program.
- Build the program requirements and understand anticipated budgets for temporary pieces of work.

Timing: 1–3 years

Necessary Staff: Planning Staff

Potential Future Staff: Public Art Coordinator

Relative Cost: \$

Relative Impact: High

Target Character Profiles:



ACTION 3.8

INVEST IN ICONIC PUBLIC ART AT THE DAN RIVER FALLS PROJECT.

The Dan River Falls building project and proposed pedestrian bridge, grounds, and white water rafting concept would present ideal opportunities to incorporate compelling public art. Each project component could include unique elements, such as large-scale sculptures, murals, and artistic lighting treatments. Art pieces that enhance the pedestrian experience on the bridge and/or play into cultural programming for the bridge should be utilized. A public art project that could draw many to the area would be a series of sculptures installed on rock and other surfaces used to create the white water rafting course. As rafters ride the rapids they would see public art like it has never been experienced anywhere else in the world.

Priority Actions:

- Determine public art opportunities.
- Implement public art.
- Understand the capacity of the site for regular cultural programming.

Timing: 3–5 years

Necessary Staff: Parks and Recreation Director

Potential Future Staff: Public Art Coordinator, Cultural Arts Manager

Relative Cost: \$\$/project

Relative Impact: High

Target Character Profiles:



ACTION 3.9

INVEST IN ARTIST HOUSING WITHIN THE CULTURAL DISTRICT.

In order to leverage the region's creative talent, Danville should invest in adaptive reuse, historic preservation projects, or infill development opportunities that create artist live-work spaces. This will serve to support the cultural district and adjacent downtown areas' economic vitality and overall livability. It will also capitalize on complementary urban functions that strengthen the downtown social and economic fabrics. The city should aim to provide affordable spaces that can grow with artists as well as explore the potential of subsidizing their living and working spaces while connecting them to local resources and spaces that will support their pursuits. Danville can also leverage existing state and national funding mechanisms such as historic tax credits to fund this project.

Priority Actions:

- Determine potential sites
- Partner with and/or provide incentives to developers
- Build and program the spaces

Timing: 3–5 years

Necessary Staff: Parks and Recreation Director

Potential Future Staff: Public Art Coordinator, Cultural Arts Manager

Relative Cost: \$\$\$

Relative Impact: High

Target Character Profiles:



ACTION 3.10

IDENTIFY ALLEY AND STREET INTERVENTIONS TO FEED PEDESTRIAN TRAFFIC FROM THE CULTURE DISTRICT.

The city-owned Woolworth Building, the adjoining alley connecting the space to the Union Street pocket park, and Newton Street make ideal first priorities for alley and street interventions that feed pedestrians to and from the Cultural District. In these spaces, Danville should explore funding murals and placemaking projects to enhance these minor corridors that are key to walkability.

Priority Actions:

- Determine public art opportunities.
- Implement public art.
- Understand the capacity of the site for regular cultural programming.

Timing: 1–5 years

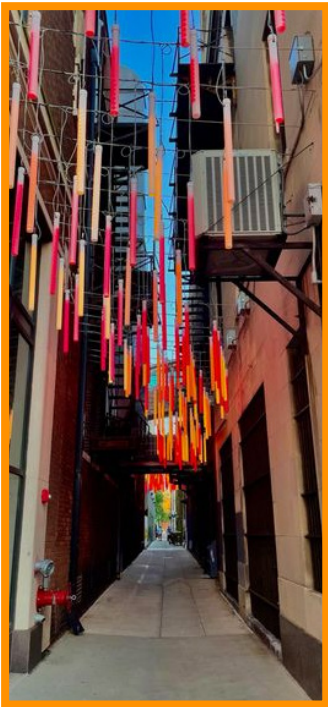
Necessary Staff: Parks and Recreation Director

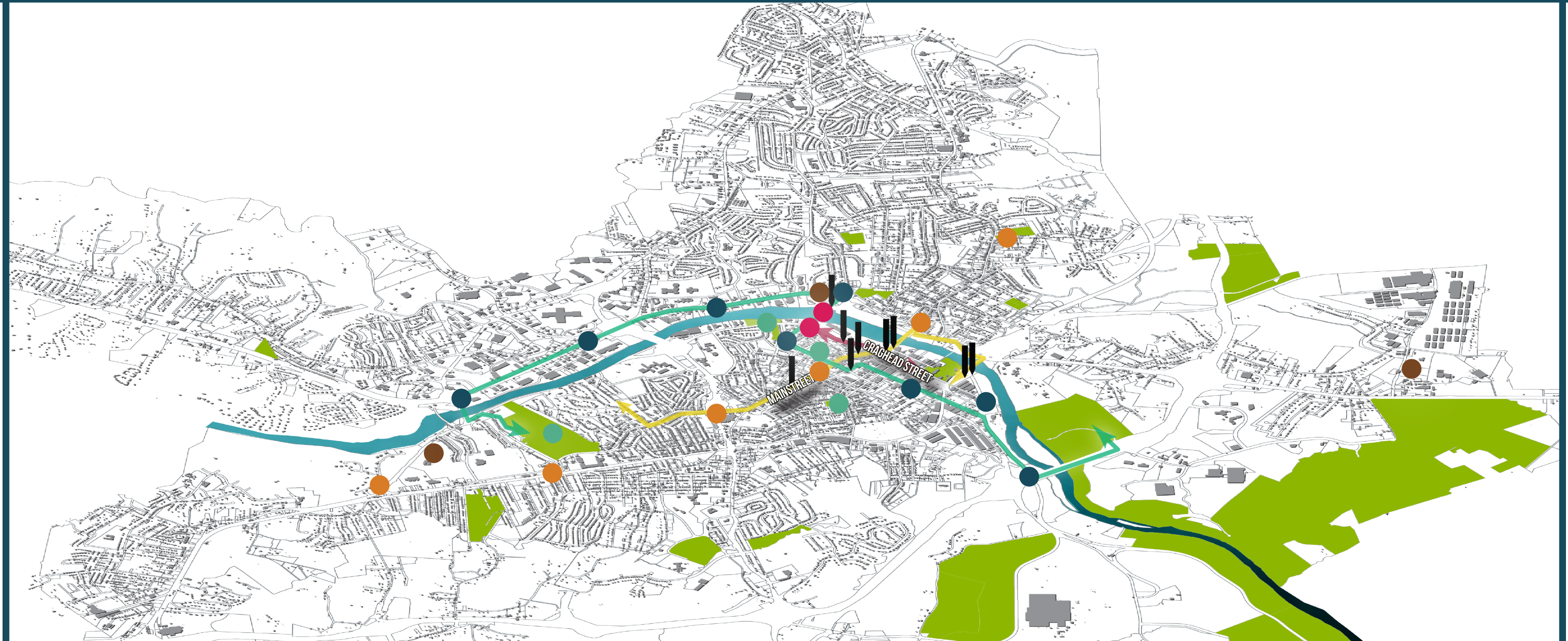
Potential Future Staff: Public Art Coordinator, Cultural Arts Manager

Relative Cost: \$-\$\$/project

Relative Impact: High

Target Character Profiles:





ALLEY & STREETSCAPE OPPORTUNITIES

Artwork and placemaking should be explored in alleyways, key pedestrian corridors, and streets designated for improvements, such as **Union Street & Newton Street**.



TRAILS OPPORTUNITIES

Art should be stationed along trails to enhance the trail user experience, such as **RiverWalk Trail**.



INDUSTRY-THEMED ART OPPORTUNITIES

Art can transform sites that give a nod to current or former industries of Danville, such as **Gateway to Cyber Industrial Park, smokestacks & water towers**.



GATEWAY OPPORTUNITIES

Art should be stationed at gateways in key city districts and corridors, such as the **Schoolfield District, the Historic District, the Riverfront District, and the Culture District**.



DAN RIVER FALLS OPPORTUNITIES

The planned Dan River Falls site, bridge, and white water rafting center provide ample opportunities for artwork.



LARGE-SCALE PARK OPPORTUNITIES

Many parks have programming opportunities, such as **Ballou Park, Doyle Thomas Park, Riverfront Park, Camp Grove Rec Center & Union Street Pocket Park**.

OPPORTUNITIES NOT MAPPED

- Neighborhood Placemaking Grant Opportunities
- Murals Grant Opportunity Sites
- Temporary Art Opportunities
- Community-Created Art Opportunities

LEGEND

- ↓ Art Trail Art Pieces
- ↑ Key Corridor or Trail

STRATEGY 4

OFFER CULTURAL FACILITIES FOR PEOPLE TO CREATE AND CONSUME CULTURE.

ACTION 4.1

INVESTIGATE THE OPPORTUNITY FOR PURPOSE-BUILT PERFORMING ARTS FACILITIES IN DANVILLE.

Danville should conduct a building assessment of the existing facilities, such as the City Auditorium, to determine how to get the facilities into a condition to provide year-round programming.

Priority Actions:

- Programming to be considered includes:
 - Black box theater
 - Rehearsal space
 - Event venue
 - Auditorium
 - Classrooms
 - Studio space
 - Community meeting rooms
- The renovation of the City Auditorium should be considered as a potential rehabilitation project.
- The city should consider dedicating the City Auditorium to local historical figure and vocalist Camilla Williams.
- Parking, bathrooms, and ADA compliance must be considered when renovating spaces.
- Collect comparable scopes of services from peer cities for review.
- Draft a scope of services for a market feasibility study and business plan for a City of Danville Performing Arts Center or Danville Cultural Arts Center in the newly renovated space.
- Go through the city procurement process to release and manage the RFP process.
- If in alignment with procurement processes, identify specific planning firms and directly distribute the Request for Proposal (RFP) to them.

Timing: 1–2 years

Necessary Staff: Parks and Recreation Director

Potential Future Staff: N/A

Relative Cost: \$

Relative Impact: High

Target Character Profiles:



ACTION 4.2

DEVELOP CITY-OWNED GALLERY SPACE IN THE RIVER DISTRICT.

Danville’s exhibition spaces are limited to walls in restaurants, hospitals, and other pass-through areas. To elevate visual arts in Danville, and provide established and emerging local artists with professional exhibition and display opportunities, the city should—either independently or through public/private partnership—establish professional-grade gallery spaces in the Downtown River District. These galleries should have moveable walls and pedestals, gallery lighting, temperature control, storage, and a reasonable amount of security. They should have some suitability for small gatherings (artist talks, opening receptions, etc.) and private events.

Priority Actions:

- Develop a programming and operating plan for temporary and/or permanent gallery space(s) downtown. The city may do this internally or hire a consultant to do so.
- Identify vacant/underutilized storefronts in Danville’s River District that could temporarily or permanently be converted to gallery/exhibition space.
- Retain an architect and/or individual with expertise in gallery operations to complete a building conditions assessment to determine the identified structure’s (or structures’) suitability for gallery use. The assessment should consider changing options and capabilities, ADA access, amenities like restrooms and running water, electrical systems, security, and storage, among other things.
- Secure potential gallery spaces and implement the operating plan.
- Based on the outcomes of the gallery space downtown, consider the viability of additional gallery space in future or up-and-coming arts districts.
- If deemed viable, develop a programming and operating plan for galleries in future or up-and-coming arts districts.

Timing: 1–2 years

Necessary Staff: Parks and Recreation Director

Potential Future Staff: Cultural Arts Manager, Gallerist or Curator

Relative Cost: \$

Relative Impact: Medium

Target Character Profiles:     



STRATEGY 5

CREATE MEANINGFUL CULTURAL EXPERIENCES FOR PEOPLE THROUGHOUT THE CITY.

ACTION 5.1

ESTABLISH THE DANVILLE CULTURAL ARTS GRANT PROGRAM TO SUPPORT EXISTING ORGANIZATIONS AND NEW PROGRAMMING IN DANVILLE.

The Danville Cultural Arts Grant Program should be established to provide operational funds for existing cultural organizations within the community. Grant funds should also be used for new programming and events hosted by existing cultural organizations.

Priority Actions:

- Allocate \$100,000 for the inaugural grant program. Grants should consider new programming, operational support, the mural incentive program listed in strategy 3.3, and events.
- Write grant guidelines and release a call for applicants.
- Evaluate success of grant program to determine if demand for funding exists and level of need within Danville.

Timing: 1–2 years

Necessary Staff: Parks and Recreation Director

Potential Future Staff: Cultural Arts Manager

Relative Cost: \$

Relative Impact: High

Case Studies: Peoria, AZ

Target Character Profiles:



ACTION 5.2

CONSIDER PROGRAMMING OPPORTUNITIES FOR CITY-OWNED PROPERTY THAT IS GEOGRAPHICALLY DIVERSE.

Residents are overwhelmingly interested in increasing the number of festivals and events throughout the city. Danville should consider hosting a number of test events in existing parks to understand the demand in each core area. Events could include: movies or concerts in the parks, arts festivals, mural-making on temporary materials, and food festivals.

Priority Actions:

- Identify parks that have existing infrastructure to support events (ample parking, electrical access, and restrooms).
- Understand what parks would be successful at what type of programming.
- Consider the budget for each event.
- Seek partners for each planned event.

Timing: 1–2 years

Necessary Staff: Parks and Recreation Director

Potential Future Staff: Cultural Arts Manager

Relative Cost: \$

Relative Impact: Medium

Target Character Profiles:





PUBLIC ART POLICY



CONTENTS

INTRODUCTION	69
ADMINISTRATIVE GUIDE FOR DANVILLE'S PUBLIC ART PROGRAM	70
PUBLIC ART WORK PLAN	72
USE OF FUNDS	72
PUBLIC ART ACQUISITION	73
COLLECTION MANAGEMENT	77
DONATION PROCEDURES	81
MAINTENANCE	83
MURAL GUIDELINES	85

INTRODUCTION

In order to establish a strong Public Art Program, the City of Danville will adopt this overall policy, which includes: Roles & Responsibilities; Work Plan; Use of Funds; Acquisition; Collection Management; Donation; and Maintenance.

DEFINITIONS

For the purposes of this policy, the following terms, phrases, words and their derivation shall have the meaning given herein:

Artist means a practitioner of the creative arts, generally recognized as such by critics and peers, with a body of work including commissions, exhibitions, sales, publications, and collections. For the purposes of this document, “artist” shall not include persons primarily working in the professional fields of architecture, engineering, design, or landscaping.

Danville Cultural Arts Commission, when used herein, shall mean the designated Arts Commission of the City of Danville, serving in an advisory capacity to Danville City Council.

Danville Public Art Collection, when used herein, shall mean all works of art owned by the City of Danville, Virginia and its agencies and authorities.

Cultural Arts Master Plan or Plan, when used herein, shall mean the Cultural Arts Master Plan of the City of Danville, Virginia, as it exists or may be amended. The Plan shall provide a process for the systematic selection of pieces of art and locations of art to be included in public spaces.

Public Art Coordinator, when used herein, shall mean the Public Art Program Coordinator, as determined by the City Manager.

Public Art Program, when used herein, shall mean the Public Art Program of the City of Danville, Virginia.

City, when used herein, shall mean the City of Danville, Virginia.

Public Art, Art, Work of Art, or Artwork, when used herein, shall mean an original physical work created or produced by an Artist that is accessible to the public. Artwork may be free-standing or integrated with the work of other design professionals into a building or site. Artwork may be new or may be an existing work of art. Artwork may include, but is not limited to:

1. Sculpture—free-standing, wall-supported or suspended; kinetic; electronic; in any material or combination of materials
2. Murals or portable paintings—in any material or variety of materials
3. Fiber works, neon, glass, mosaics, photographs, prints, calligraphy, earthworks, any combination of forms of media, including light, sound, literary elements, film, holographic images, and video systems; hybrids of any media and new genres
4. Furnishings or fixtures—including, but not limited to, gates, fences, railings, lighting, street lights, signage, and seating, if created by artists as unique elements or limited editions
5. Artistic or aesthetic elements of the overall architecture or landscape design—if created by a professional artist or a design team that includes a professional visual artist; such design elements may include pools,

- paths, benches, planters, fixtures, and vegetative materials, where designed by a professional visual artist and/or are an integral part of the artwork by the artist
- 6. Temporary artwork or installation that serves the purpose of providing community and educational outreach

The following are, per the Ordinance, not considered artwork for the purposes of Public Art funding:

1. Art objects which are mass produced or are of standard manufacture, such as playground equipment, fountains, statutory elements, signage, maps, corporate logos, or other functional elements, unless incorporated into an artwork by an artist commissioned for that purpose
2. Reproductions, by mechanical or other means, of original artwork, except in the case of limited editions controlled by the artist, cast sculpture, film, video, photography, printmaking, or other media arts
3. Decorative, ornamental, architectural, or functional elements which are designed by the building architect as opposed to elements created by an artist commissioned for that purpose
4. Artwork in City facilities that are within employee offices or spaces
5. Services or utilities necessary to operate and maintain an artwork over time

Public Space, when used herein, shall mean any area or property (public or private) which is accessible or visible to the general public a minimum of 8 hours per business day.

Publicly Owned Land when used herein shall mean any land open to the public and managed by the City of Danville, Virginia, its agencies or authorities.

ADMINISTRATIVE GUIDE FOR DANVILLE PUBLIC ART PROGRAM

The Administrative Guide (“Guide”) outlines the roles and responsibilities of citizens, City staff, and elected officials in the development, funding, and implementation of the City of Danville Public Art Program. This guide is intended to ensure that the City of Danville Public Art Program is implemented in a fair and consistent manner that enables a community-oriented, artistically creative process and promotes the cultural, aesthetic, and economic vitality of Danville.

The Public Art Program will be guided by the City of Danville Cultural Arts Commission and administered through City Staff assigned by City Manager. The City will retain ultimate responsibility for the program. Day-to-day responsibility for the program will reside with the Public Art Coordinator or designated staff member. The Public Art Coordinator will have an oversight role of all public art projects that are executed within the City. The Public Art Coordinator will collaborate with additional City staff or outside contractors in order to execute projects. This guide is only to be used when public dollars are being spent on public art or when public art is being placed on City-owned property.

Danville City Council

The City Council will adopt an ordinance establishing the Danville Public Art Program and adopting the Cultural Arts Master Plan as the guiding document for the Public Art Program. The ordinance will also adopt the Danville Public Art Policy. As the community’s elected officials, the City Council members are ultimately responsible for the outcomes of the Public Art Program.

The Danville Mayor and City Council have the following responsibilities:

- Review and approve the annual Public Art Work Plan, as prepared by the Public Art Coordinator and the Cultural Arts Commission

- Confirm Mayoral appointments to the Cultural Arts Commission
- Approve of public art through the City’s procurement practices

Cultural Arts Commission

The City appoints the Cultural Arts Commission (The Commission). This group is an eleven (11)–member body. All members shall be appointed by the City Council. Members of the Cultural Arts Commission shall serve 3-year terms, with a 2-term limit, or until their successors are appointed.

The Cultural Arts Commission has the following responsibilities:

1. Provide the expertise and effort necessary to have a financially sustainable Cultural Arts Program that advocates for artistic participation
2. Advise the City Council and City staff with regard to policies that will strengthen cultural initiatives and further public access to art
3. Ensure the efficient and effective use of public funds, making responsible and prioritized project recommendations as part of the annual budget process
4. Review cultural grant applications and make recommendations to staff on what applications to fund
5. Review and approve public art conceptual plans for specific public art projects and approve artist selection
6. Review proposals for donations of public art and recommend specific pieces of art for strategic placement throughout the City

City Staff

The Public Art Coordinator should be designated to oversee Citywide public art activities as they may occur throughout many City departments. Staff may delegate activities to a designee as needed and as approved by the City Manager.

Responsibilities include:

- Work with various departments to develop potential projects for inclusion in the annual work plan
- Present an annual work plan to the City Manager
- Coordinate with Cultural Arts Commission to ascertain advice on any matter pertaining to public art including:
 - Annual work plan
 - Artist selection juries and process
 - Purchase of artworks
 - Commission and placement of artworks
 - Public art programming
- Present an annual report of public art activities
- Coordinate the hiring of an outside consultant or agency to administer public art projects on an as-needed basis in accordance with City financial policies
- Ensure various City departments are following the City’s Public Art Policy
- Develop special projects and programs
- Coordinate meetings and records of the Cultural Arts Commission to comply with state laws

PUBLIC ART WORK PLAN

The Public Art Work Plan is an annual document that outlines what projects will be initiated in the coming fiscal year, as well as projects that will be in process during that fiscal year. The work plan is one of the most crucial elements of the Public Art Program, as it creates a roadmap for the year and allows for the input of community members, elcted officials, and others who care deeply about public art in Danville.

The Public Art Coordinator will develop the Plan in consultation with the Parks and Recreation Director and Cultural Arts Commission and submit it to the City Council as part of the annual budget for its review and approval.

The following steps will be taken to develop the Public Art Work Plan:

- Work with the City Manager to determine availability of funds for the upcoming year
- Identify projects to be paid for by identified funding including acquisition and maintenance
- Develop a draft Public Art Work Plan that will include locations, goals, and budgets for public art projects and programs for review
- Present the Plan to the City Council as part of the City budget approval
- Integrate feedback from the City Council to determine the final Work Plan

USE OF FUNDS

Funding for the Danville Public Art Program may come from Danville’s Capital Improvement Project Budget, revenue from the casino, or other sources, as deemed appropriate by the City, as well as from grants and/or contributions from private entities, other public agencies, or philanthropic sources.

Uses of Funds

The public art funds may be spent for:

- Calls for Entry, RFQ’s/RFP’s, concept designs, maquettes, juror stipends, and other costs related to competitions and Commissions
- Artist fees including travel stipends and expenses related to travel
- Artwork fabrication and installation
- Site preparation and cleanup
- Acquisition of existing works of art
- Relocation of existing or commissioned works of art
- Required permits and insurance during the fabrication and installation of the artwork
- Informational/promotional materials and public events directly related to the artwork
- Required equipment needed for installation
- Artwork appraisal
- Art-related community events
- Staffing and services of an Arts Administrator
- Curators and contracted services

The public art funds may not be spent for:

- Mass-produced work, with the exception of limited editions controlled by the artist
- Professional graphics, unless designed or executed by an artist or used in the development of collateral material
- Decorative, ornamental, or functional elements that are designed by a project’s architect or other designer
- Routine maintenance exceeding more than 10% of the annual budget
- Purchase of existing works of art outside of the selection process

PUBLIC ART ACQUISITION

This policy establishes the practices for acquiring artworks. The policy creates a thorough and transparent process for acquiring artwork and favors open-ended selection processes in order to ensure artistic excellence in the City’s Public Art Collection.

Process for Selecting an Artist or Artist Team

Selecting the artist is one of the most important steps in commissioning public art. An open, equitable, competitive process that inspires the artist and engages the community can be an enriching experience and lead to more creative and exciting public art.

Goals of the Selection Process

- To satisfy the goals of the project site through an appropriate artist selection
- To further the mission and goals of the Public Art Program
- To select an artist or artists whose existing public artworks or past collaborative design efforts have demonstrated a level of quality and integrity
- To identify an approach to public art that is suitable to the goals and demands of the particular project
- To select an artist or artists who will best respond to the distinctive characteristics of the site and the community it serves
- To select an artist or artists who can work successfully as members of an overall project design team
- To ensure that the selection process represents and considers the interests of all parties concerned, including the public
- To ensure the demographics of the artists and selection committees are reflective of Danville’s population, on average

ARTIST SELECTION METHODS FOR COMMISSIONING NEW ARTWORK

Open Competition

In an Open Competition, any artist may submit their qualifications or proposal, subject to any requirements established by the Artist Selection Commission. The Requests for Qualifications (RFQs) or Requests for Proposals (RFPs) should be sufficiently detailed to permit artists to determine whether their art is appropriate for consideration. Open Competition allows for the broadest range of possibilities for a site and brings in new, otherwise unknown, and emerging artists.

Limited or Invitational Competition

In a Limited Competition, or Invitational, several pre-selected artists are invited by the Artist Selection Commission to submit their qualifications and/or proposals. This method may be appropriate when the

City is looking for a small group of experienced artists, when there is a limited time frame, or if the project requirements are so specialized that only a limited number of already-identified artists would be eligible. It is possible that this list of artists would come from a pre-qualified list.

Direct Selection

On occasion, artists may be chosen directly by the Artist Selection Commission. Direct selection may be useful on projects where an urgent timeline, low budget, or where very specific project requirements exist. It is possible that this artist would come from a pre-qualified list.

Direct Purchase

Some projects require the purchase of a specific artwork due to the exacting nature of the project or a very limited project timeline. In this case, the work must be “one-of-a-kind” and not mass-produced or off the shelf. It is possible that this artwork would come from an artist on a pre-qualified list.

Pre-Qualified Artist Lists

The Public Art Coordinator may decide to develop a pre-qualified pool of artists from which it can choose artists for Limited Competition, Direct Selection and Direct Purchase. This pool would be developed based on a comprehensive review of artist qualifications, and could be updated annually or bi-annually, depending on the frequency of new projects.

ARTIST SELECTION METHODS FOR COMMISSIONING EXISTING ARTWORK

Competitions

In competitions, the City may put out an open call to artists for a possible inclusion in an exhibition at a predetermined site. The competition, which may or may not take the form of a temporary exhibit, may feature existing artworks. Each selected artist may receive a stipend, and the City may purchase one or more pieces of artwork at the conclusion of the exhibit to be placed in public locations around Danville. All calls for artists will be advertised on the City of Danville’s procurement site as well as the state of Virginia Procurement Registry for local governments.

Artist Selection Process

Once an Artist Selection method is determined, a selection process will be established. If the budget for a single piece of artwork is \$25,000 or more, a Selection Committee must be formed. If the budget is less than \$25,000 the Cultural Arts Commission will act as the selection committee.

A selection committee will make recommendations for selected artists to create site-specific artwork or make recommendations for selected artwork to be exhibited.

Purpose and Responsibilities

The artist selection process will interpret and review artist’s proposals based on the selection criteria. The goals of the selection process are as follows:

- To satisfy the goals of a specific project or site through an appropriate artist selection
- To further the mission and goals of the Public Art Program
- To select an artist or artists whose existing public artworks or past collaborative design efforts have demonstrated a level of quality and integrity
- To identify an approach to public art that is suitable to the goals and demands of the particular project
- To select an artist or artists who will best respond to the distinctive characteristics of the site and the

community it serves

- To select an artist or artists who can work successfully as members of an overall project design team
- To ensure that the selection process represents and considers the interests of all parties concerned, including the public, the arts community and the City department(s) involved

ARTIST SELECTION COMMITTEE

Membership of Selection Commissions

Membership will be recommended by the City Manager and members of the Cultural Arts Commission and be approved by the City Manager. The members of the Selection Committee will be representative of the community demographic and will consist of at least 5 but no more than 9 members from the list below:

- Members of Danville Cultural Arts Commission
- Artists or arts administrators
- Design professionals
- City of Danville project coordinator, who may appoint the project architect or project landscape architect in their stead
- A member of the project Steering Committee, if one has been appointed

Conflict of Interest

Commission members will declare any and all conflicts of interest for all projects and artwork under consideration at the beginning of their meetings. A conflict of interest exists if a committee member, an organization the committee member is associated with as a staff or board member, or a committee member’s family member, has the potential to gain financially from the project under consideration by the Commission. In order to promote public confidence in this process, a committee member may also declare a conflict if they think there may be a perception that they have a conflict. Potential conflicts should be submitted in writing to the City Manager. If it is determined by the City Manager that a conflict exists, the committee member must resign from the Selection Committee.

Procedures

During an artist selection process, committee members will not submit applications for the placement of their own artwork and/or projects. City Staff and Commission Members are able to invite artists to participate but must refrain from giving advice to applicants or answering their questions and direct such questions to the coordinator during the selection process. The Cultural Arts Commission must solicit public input for all pieces of public art being commissioned or purchased in excess of \$25,000. An opportunity for public input must be given before a formal vote. The formal vote must be recorded in keeping with the City of Danville public record requirements.

Project Implementation Process for Site- Specific Artworks

Upon the decision of the Artist Selection Commission, the coordinator will prepare a contract that includes the scope of work, fee, schedule, and relevant terms and conditions to be approved by the City and artist.

The City will follow the process for contracting required by law. For some projects, the contract with the artist may be phased to include two scopes of work with separate pay schedules and deliverables. The first phase would include all design documentation, including final design, stamped engineering drawings, installation details, and a revised fabrication budget and timeline. The second phase would include all costs related to fabrication and installation.

The Public Art Coordinator will ensure all documents are signed and insurance coverage secured before issuing a notice to proceed and will be responsible for coordinating the work of the artist to ensure the successful integration of the artwork into the project. The Coordinator will organize a meeting with all integral staff to review roles, responsibilities and schedule.

If specified in the contract, the artist will develop design development drawings for review and approval from the City before proceeding with fabrication. The coordinator will schedule meetings with the appropriate offices to review and approve the plans.

If the artist proposes any significant design changes, the coordinator will secure the recommendation for approval from Danville Cultural Arts Commission, the City Manager, and the appropriate departments of the City before the City Manager approves said changes in writing, per the terms and conditions of the contract.

If the parties are unable to reach an agreement, the City Attorney will act as mediator. If the change will affect the budget, scope, or schedule, the coordinator will initiate a contract modification for City Manager approval, if funds are available to do so.

The coordinator will be responsible for overseeing the installation of the artwork. The coordinator will be responsible for ensuring that all the necessary requirements have been completed prior to interim and final invoice payments to the artist.

Maintenance Plan

Understanding maintenance and care of public art begins before an artwork is created. During the design phase or when a donation is initiated, the City, artist, or sponsor will review and analyze their design proposal and advise on maintenance and operations of the artwork. A conservator should be contracted to give a report on the artwork.

On behalf of the City, the artist, sponsor, or the appropriate party will submit a Maintenance Plan to the City of Danville, who will review and then catalog any tasks associated with maintenance of the artwork.

The Maintenance Plan will enable the City to:

- Evaluate the quality and sustainability of the proposed or existing public artwork
- Establish maintenance requirements, assign schedules, and identify potential costs
- Determine if the City of Danville should accept or decline the design proposal and/or public artwork

To produce the Maintenance Plan, the artist should examine and render an opinion on the following:

- Durability
- Type and integrity of materials
- Construction/fabrication technique
- Internal supports, anchoring and joining, and footings
- Landscaping
- Vulnerable and delicate elements
- Drainage of artwork

- Potentially dangerous elements
- Security
- Location
- Environment
- Whether the design encourages/discourages interaction
- Effects of skateboarding, graffiti, and any other potentially damaging activities

The Maintenance Plan will include:

- A record of the artist’s intentions for the work of art
- Recommendations to mitigate potential problems discovered during the examination
- Notes about how the artist would like the work of art to age
- An itemization of long-range considerations and care, highlighting maintenance and the anticipated needs for periodic conservation treatment or repairs
- Identification of the lifespan of the artwork and a prognosis of its durability in consideration of that lifespan

Lifespan of Artwork

This lifespan will be selected from one of four categories:

- Temporary: 0–2 years
- Short Term: 2–10 years
- Medium-Term 10–25 years
- Long-Term 25+ years

The artwork may also be identified as site-integrated or part of the site and/or the architecture, as appropriate, and will fall into the Long-Term lifespan category above.

COLLECTION MANAGEMENT

The City of Danville acquires artworks by commission and donation. Processes for these acquisitions are dictated by the Public Art Ordinance and by the Acquisition and Donation Policies. Artworks acquired through these processes are considered to have been accessioned into the City’s Permanent Collection and must be cared for in accordance with the Policy and Procedure for Maintenance and the Collection Management Policy. Artworks in the City’s possession that were acquired outside of or before these policies may not be accessioned pieces of the Permanent Collection and thus may not be subject to the Artwork Collection Management Policy. The Collection Management Policy is intended to maintain the value of the City’s Permanent Collection and guard against the arbitrary disposal of any of its pieces.

Objectives

- Maintain a collection management program that results in a high-quality, City-owned public art collection
- Eliminate artworks that are unsafe, not repairable, or no longer meet the needs of City of Danville
- Respect the creative rights of artists
- Support an efficient workload for staff

DEFINITIONS

Deaccession means a procedure for the withdrawal of an artwork from the Permanent Collection and the determination of its future disposition.

Relocation means a procedure for the movement of an artwork from one location to another.

Life Span

- Temporary: 0–2 years
- Short Term: 2–10 years
- Medium-Term 10–25 years
- Long-Term 25+ years

GENERAL POLICIES

Removal from Public Display

The Danville City Council may consider the permanent removal of artwork upon the recommendation of the Danville Cultural Arts Commission, based on the deaccession criteria below.

If the artwork is removed from public display, the City may consider the following options:

- Relocation—If the Danville Cultural Arts Commission decides that an artwork must be removed from its original site, and if its condition is such that it can be re-installed, the Danville Cultural Arts Commission will attempt to identify another appropriate site. If the artwork was designed for a specific site, the Danville Cultural Arts Commission will attempt to relocate the work to a new site consistent with the artist’s intention. If possible, the artist’s assistance will be requested to help make this determination.
- Storage—Artwork may be stored until a new site has been identified or the City decides to deaccession the artwork.
- Sale or trade—After deaccession, the artwork may be sold or traded.

Provision for Emergency Removal

In the event that the structural integrity or condition of an artwork is such that the artwork presents an imminent threat to public safety, the City Manager may authorize immediate removal without the artist’s consent, and have the artwork placed in temporary storage. The artist must be notified of this action within 30 days. The City will then consider options for repair, reinstallation, maintenance provisions, or deaccessioning. In the event that the artwork cannot be removed without being altered, modified, or destroyed, and if the Artist’s agreement with the City has not been waived under the Visual Artists’ Rights Act, the City must attempt to gain written permission before proceeding. In the event that this cannot be accomplished before action is required in order to protect the public health and safety, the City shall proceed according to the advice of the City Attorney.

Criteria for Deaccession

The Danville Cultural Arts Commission may consider the deaccessioning of artwork for one or more of the following reasons, in the event that it cannot be re-sited:

- An artwork is not, or is only rarely, on display because of lack of a suitable site
- The condition or security of the artwork cannot be reasonably guaranteed
- The artwork has been damaged or has deteriorated and repair is impractical or unfeasible
- The artwork endangers public safety

- In the case of site-specific artwork, the artwork’s relationship to the site is altered because of changes to the site
- The artwork has been determined to be incompatible within the context of the collection
- The City of Danville wishes to replace the artwork with work of more significance by the same artist
- The artwork requires excessive maintenance or has faults of design or workmanship
- Written request from the artist
- The artwork has become publicly associated with racism, sexism, homophobia, xenophobia, acts of assault or violence, or other offensive themes

Integrity of Artworks

The Danville Public Art Program will seek to ensure the ongoing integrity of the artwork and the sites for which they were created, to the greatest extent feasible, in accordance with the artist’s original intentions, and consistent with the rights afforded by the 1990 Visual Artists Rights Act.

Access to Artworks

The City will seek to ensure continuing access to artwork by the public, although the City may limit availability due to circumstances such as funding, public safety, display space, and deaccession processes.

Life Spans

Life spans that have been assigned to the work during the commissioning process will be taken into consideration as part of requests for deaccession or removal. For artworks that have not been assigned a life span, the Danville Cultural Arts Commission may engage experts to assist in assigning the artwork a life span, based on the life expectancy of the artwork’s materials and fabrication methods.

APPLICATION PROCESS

Preliminary Request

Permanent artworks must be in place for at least 5 years before deaccession or relocation requests will be considered, unless matters of public safety necessitate the removal. Deaccession or relocation requests may be submitted by one of the following:

- Neighborhood organization or Homeowners Association
- City Manager
- Independent Board or Commission or respective authority of the City
- City Council

DEACCESSION AND REMOVAL FORM

The Cultural Arts Commission will provide applicants with an application form that will serve as the applicant’s formal request for consideration by the City.

REVIEW PROCESS

The Danville Cultural Arts Commission will review requests and make a decision regarding deaccession or relocation.

Public Meeting

The Danville Cultural Arts Commission will hold at least one public meeting for the purpose of gathering community feedback on a proposed deaccession or removal, unless the removal is an emergency. The Danville Cultural Arts Commission may also decide to hold additional public meetings or gather community input through other methods. The Danville Cultural Arts Commission may seek additional information regarding the work from the artists, galleries, curators, appraisers or other professionals prior to making a recommendation.

Artist Involvement

If deaccession or removal is recommended, the artist (if available) will be contacted and invited to provide input to the Danville Cultural Arts Commission. The artist’s contract, along with any other agreements or pertinent documents, will be reviewed and sent to the City Attorney’s office for final approval.

Recommendation

The Danville Cultural Arts Commission will prepare a report that includes the opinion of the City Attorney on any legal restrictions that may apply to the specific artwork. The Danville Cultural Arts Commission recommendation may include dismissing the request and/or modifying, relocating, selling, donating, disposing, or storing the artwork.

The Danville Cultural Arts Commission will provide all relevant correspondence including, but not limited to:

- Artist’s name, biographical information, samples of past artwork, and resume
- A written description and images of the artwork
- Artist’s statement about the artwork named in Deaccession or Relocation Request (if possible)
- A description of the selection process and all related costs at the time the Artwork was selected
- A formal appraisal of the artwork (if possible)
- Information regarding the origin, history, and past ownership of the Artwork
- Information about the condition of the artwork and the estimated cost of its conservation
- Information and images of the artwork’s site
- Any information gained from the public meeting held about the deaccession and removal of the artwork
- Feedback from the City Department responsible for operating and maintaining the artwork
- Detailed budget for all aspects of conservation, maintenance, repair, installation, operation, insurance, storage, and City Staff support
- The Artist’s contract with the City

The Danville Cultural Arts Commission can make a recommendation for one or more of the following methods for an artwork’s deaccession:

- Sale or Exchange—sale shall be in compliance with the State of Virginia and City of Danville laws and policies governing sale of public property
 - The artist, or estate of the artist, will be given the first option to purchase or exchange the artwork(s).
 - The art may be sold through auction, gallery resale, direct bidding by individuals, or other forms of sale in compliance with the State of Virginia and City of Danville law and policies governing surplus property.
 - An artwork exchange may be through an artist, gallery, museum, or other institution for one or more artwork(s) of comparable value by the same artist.
 - No works of art shall be traded or given to Danville Cultural Arts Commission Board Members or City of Danville Staff.

- Proceeds from the sale of artwork shall be placed in a Danville account designated for public art purposes. Any pre-existing contractual agreements between the artist and the City regarding resale shall be honored. An exception to these provisions may be required if the artwork was originally purchased with funds that carried with them some restriction, for example, bond funds for street and sidewalk improvements, in which case the proceeds shall be placed in an account designated for art allowed under similar restriction(s).
- Destruction of Artwork—if artwork is deteriorated or damaged beyond repair or deemed to be of negligible value

If the City of Danville is unable to dispose of the artwork in a manner outlined above, the Danville Cultural Arts Commission may recommend the donation of the artwork to a non-profit organization or another method.

COSTS

If deaccession or relocation accommodates the applicant’s interests or project, they may be required to cover the costs of deaccession or relocation at no cost to the City.

CONFLICT OF INTEREST

No works of art shall be given or otherwise transferred publicly or privately, to its agencies or authorities, to officers, directors, or employees or staff of the City of Danville, or their immediate families or representatives of the City of Danville.

COMPLIANCE WITH APPLICABLE POLICIES AND REGULATIONS

Deaccession and relocation of artwork will be done in a manner that complies with all other applicable City of Danville, State of Virginia, and federal procedures, policies, and regulations.

EXISTING PUBLIC ART PIECES AT TIME OF POLICY ADOPTION

Existing public art pieces on City-owned property should be evaluated using the deaccession criteria to ensure that it is appropriate for the City to continue to own and maintain them. Pieces that do not meet the deaccession criteria will be accessioned into the Danville Public Art Collection.

DONATION PROCEDURES

Requests to donate artwork to the City may be considered on a case-by-case basis. Requests for consideration shall be made through the Danville Cultural Arts Commission.

DONATION REQUIREMENTS

The Danville Cultural Arts Commission will consider donations on the following basis:

- The donation contributes to and enhances the City’s public art collection
- The donation meets a high standard of quality and is appropriate and meaningful to the community
- The donation follows required City procedures, including the submission of a Donation Proposal and a Maintenance Plan. Donation Proposal requirements are included in this policy. The requirements for the Maintenance Plan can be found in the Danville Public Art Program Policy and Procedure for Maintenance Policy.
- The donation proposal includes a plan to fund and deliver ongoing operations and maintenance—or the resolution accepting the public art must identify how maintenance will be funded

- The donation proposal is reviewed and endorsed by the Danville Cultural Arts Commission and approved by the City Manager

The Danville Cultural Arts Commission will not accept a donation of artwork until all funds for development, fabrication, siting, and installation have been secured. The City will consider the following types of donation proposals for artworks for City-owned property:

- An already completed work of art
- A commissioned artwork by a specific artist or artists to be created especially for a City-owned property

DONATION PROPOSAL PROCEDURES AND REVIEW PROCESS

Formal requests to donate artwork to the City of Danville are made through the Danville Cultural Arts Commission. The donor shall complete an Art Donation Agreement Application (donor form), and submit the form to the Cultural Arts Commission which will evaluate the donation request to determine its appropriateness, as measured by approval criteria, and provide a written recommendation to the City Manager. The City Manager will then determine whether the donation is in the City’s best interest and is consistent with the City’s goals and applicable City laws, policies, ordinances, and resolutions. The Cultural Arts Commission will notify the donor, in writing, identifying final conditions if approval is granted.

OWNERSHIP

Once a gift is accepted by the City, the City shall be the sole owner of the donated item and will have the right, in its sole and absolute discretion, to deaccession any donated item without providing notice to or obtaining the consent of the donor.

CRITERIA FOR EVALUATION

Elements will include, but will not be limited to, the following:

- City-owned Property—Donated public artwork must be located on City-owned or City-managed property.
- Relevance and Site Context—Works of art must be appropriate for the proposed location and its surroundings, and/or complement the architecture, topography, history, and social dynamic of the location in which it is placed.
- Artist and Artwork Quality—The artist demonstrates the ability and potential to execute the proposed artwork, based on previous artistic achievement and experience. Duplication of work will also be considered. The artwork must enhance the City’s public art collection.
- Physical Durability—The artwork will be assessed for long-term durability against theft, vandalism, and weather.
- Public Safety and Liability—The artwork will be assessed for any public safety concerns, as well as for any potential liabilities for the City.
- Sustainability—Consideration will be given to the environmental impact and sustainability of the proposed artwork, including its operations and maintenance requirements/costs.
- Legal—Proposed terms of donation, legal title, copyright authenticity, artist's right to reproduce, liability, and other issues as deemed appropriate will be considered.

Memorial Gifts

Memorial gifts will have an additional review process, which will include but not be limited to, the following:

- Timeframe—The person or historic event being memorialized must be deemed significant enough to merit such an honor. If the artwork is portraying a person in their likeness, the person so honored will have been

deceased for a minimum of 5 years prior to consideration. The City reserves the right to remove memorials at any time should the City deem it necessary.

- Community Value and Timelessness—The art selected represents broad community values and timeless qualities that will be meaningful to future generations.
- Location—The location under consideration is an appropriate setting for the memorial; in general, there should be some specific geographic justification for the memorial being located in a specific site.

Art on Loan or Temporary Display on City-owned Property

Art on loan or art on temporary display on City-owned property must meet the Donation Requirements above and follow the Donation Proposal Procedures above. Art on loan or art on temporary display on City-owned property must not be accessioned or added to the City’s inventory list and master database.

ACCEPTANCE AND ACCESSION OF THE ARTWORK

If the proposal is recommended by the Danville Cultural Arts Commission and accepted by the City Manager, a formal agreement will be negotiated outlining the responsibilities of each party (the City, the sponsor(s), the artist, and outside contractors, where applicable).

The agreement will address project funding, insurance, siting, installation, operations and maintenance, project supervision, vandalism, the right of removal or transfer, public safety, and other issues as necessary.

The City of Danville will be the owner of the artwork and reserves the right to remove or alter the work to ensure public safety or because of any other City concerns. The City upholds copyright law and the Visual Artists Rights Act of 1990. Any changes will be made in consultation with the artist and sponsor(s) when possible, or notification will be provided.

The completed and installed artwork will be accessioned and added to the City’s inventory list and master database with all accompanying documentation.

REMOVAL, RELOCATION, OR DEACCESSION OF THE ARTWORK

In accepting a donation of artwork, the City of Danville will not be bound by any agreement with the donor that restricts the City’s ability to act in the best interest of the City of Danville. Nothing in the acceptance of a donation of artwork shall prevent the City from approving subsequent removal, relocation, or deaccessioning of such donations if it serves the City’s best interest to do so. The City will deaccession and dispose of works of artwork in its collection in accordance with the Collection Management Policy.

MAINTENANCE

The Public Art Maintenance Program will be administered by the City of Danville upon recommendation from Public Art Coordinator or other outside partners through yearly evaluation and planning for maintenance of the existing collection.

The Program addresses:

- Accessioning and inventorying the City’s collection of public art
- Conducting a semiannual Survey and Condition Assessments of all work in the collection
- Preparing a biennial Public Art Maintenance Plan

- Overseeing routine maintenance and special conservation treatment of the City’s public art collection

Every 5 years, the coordinator will conduct an assessment of the condition of all public art with a qualified professional conservator and develop a prioritized list of works in need of conservation or maintenance to submit to the Cultural Arts Commission. This list will be the basis of the biennial Public Art Maintenance Plan and will serve as a current list of art pieces within the collection for insurance purposes.

Under this plan, trained contractors may carry out routine maintenance. For work in need of a higher level of maintenance, specialized care, or conservation treatment, the Program will utilize the maintenance funds available held in the Public Art Acquisition Fund.

PROCEDURES PRIOR TO THE PUBLIC ART MAINTENANCE PROGRAM

Maintenance Plan

As described in the Acquisition Policy, all acquired artworks must have a maintenance plan developed.

Utilization of the Maintenance Plan

The Maintenance Plan will be used to:

- Advise Danville Cultural Arts Commission, City Department Directors, and others who must review and approve design proposals or accept or decline donated public artwork
- Troubleshoot the production of construction drawings, the fabrication of the artwork, and the preparation of the site
- Follow-up on the artist’s recommendations
- Refer to during the post-fabrication/installation inspection to prepare a final report and a punch-list to complete the project

The Danville Cultural Arts Commission, City of Danville, professional conservators, and artists will strive to address the recommendations in the Maintenance Plan without unduly interfering with the aesthetic intent of the proposed public art.

Post Fabrication/Installation Inspection

The Post-Fabrication/Installation Inspection conducted by staff will be based upon and follow-up on the Maintenance Plan that was carried out during the design phase. It will include the following:

- Ensure that recommendations made in the Maintenance Plan and during fabrication were followed
- Confirm that the artwork is executed as proposed and agreed upon
- Confirm that there are no missing or incomplete elements
- Establish that materials' quality and stability are acceptable
- Establish that fabrication quality and stability are acceptable
- Confirm that installation is stable and secure
- Confirm that stainless steel is fully and properly “passivated”
- Confirm that, if required, protective coatings have been applied
- Ensure that warranties for electronic and other media are submitted as necessary
- Identify any remaining vulnerabilities

- Confirm no new damage resulting from installation process
- Ensure that the maintenance and operations plan is accurate; amend as needed
- Confirm that the plaque/public notice meets program guidelines and is properly installed

MURAL GUIDELINES

Introduction

Murals are a relatively quick and highly impactful way to bring public art into the built environment. Murals provide an opportunity for visual artists to show their talent and creativity while also contributing to a community's landscape and identity.

Private Murals on Private Property

The City of Danville and Danville Cultural Arts Commission encourage the installation of private murals on private property in order to support artists and enhance the visual environment in Danville. Private property owners are encouraged to voluntarily follow the guidelines set forth in this document as applicable and are also encouraged to consult with the Cultural Arts Commission and Parks and Recreation Department with regard to any questions or concerns as they develop and implement private murals.

Publicly-Owned Murals

The Danville Parks and Recreation department has oversight responsibility pertaining to the creation of publicly-owned murals in the City of Danville. Publicly-owned murals may occur on publicly-owned buildings or on privately-owned buildings where the property owner agrees to a mural easement allowing for the creation and maintenance of a publicly-owned mural on private property for a specific period of time.

The Danville Cultural Arts Commission assists the Parks and Recreation Department with coordinating the creation and completion of publicly-owned murals. This assistance includes but is not limited to:

- Identifying potential mural sites
- Issuing and administering the Request for Qualifications (RFQ) for mural artists
- Coordinating a selection process for RFQ reviews and artist recommendations
- Acting as a selection panel if the budget is under the \$25,000 project threshold
- Making recommendations for the selection panel members if the budget is over the \$25,000 threshold

Mural Design Considerations

Murals in the City of Danville are encouraged to be varied in both content and design. A wide variety of murals will ensure a vibrant visual experience for residents and visitors alike. Some murals may celebrate the history of Danville while others may be palettes for vibrant artistic expression, inject whimsy into the built environment, or showcase the artists’ wildest dreams—the opportunities are endless.

While not relating to content, some design considerations should be made in order to ensure a successful project.

Design Considerations:

- Scale—Who will be the intended viewer or audience? A mural intended for pedestrians may be of a different scale than one intended for automobile drivers or cyclists along a bike trail.

- Accessibility—Are there opportunities to engage those who are visually impaired or otherwise not able to view the mural?
- Maintenance—What are the long-term maintenance implications of the design? Is it easily repairable?
- Longevity—What is the expected life span of the mural? Is it intended to be a short or long term installation?
- Experiential Elements—Is there a potential for additional elements that could be added to enhance the experience of the viewer such as virtual (VR) or augmented (AR) reality elements, audio elements either on site or online, Instagram or social media interactions or other opportunities?

Mural Easements

In order to create additional mural opportunities within Danville, these guidelines encourage property owners to enter into easement agreements with the City that allow for public funds to be expended for murals on private property. Though there may be positive benefits for a property owner as a result of the creation of a publicly-owned mural on their building, there must be no direct correlation between the content of the mural and the property or any business housed in the property.

In order for the City to implement a publicly-owned mural on a privately-owned building the building owner must sign an easement created by the City of Danville which states that the owner will not paint over, destroy, cover, or alter the mural for the duration of the agreement. Agreements typically last for a minimum of 5 years but may be shorter or longer depending on the project. As part of easement negotiations, the City should also consider negotiating with the property owner for nightly illumination of the mural for the lifetime of the easement.

RFQ Artist Selection

A selection panel should be formed using the guidelines in the acquisition section of the policy in order to select artists. The following criteria should be utilized as the minimum criteria for the selection of artists for all mural projects. Additional project specific criteria may be added in addition to the baseline criteria.

- Experience with similar mural projects, examples of past projects—either in Danville or other cities with strong mural programs, including at least ten (10) color images of one or more completed mural projects—and 3 supporting professional references
- Willingness to work with the Staff and the Cultural Arts Commission to develop and refine the mural design
- Timely response to the RFQ, which shall include but not be limited to a requirement that at least ten (10) color renderings/designs of the proposed mural, a written description of the mural, and photographs of the proposed site and physical surroundings be submitted to the Cultural Arts Commission
- Innovative and unique artistic vision, including technique, composition of visual art elements, use of line, color, form, and texture
- Realistic project budget and timeline
- Willingness to enter into a contractual agreement with the City of Danville
- Liability/Workers compensation/automobile insurance
- Agreement to allow images of the completed mural to be placed on the City of Danville website

Fundable Expenses

The installation of a mural may necessitate additional expenses beyond the artist fee and materials. Additional fundable expenses include, but are not limited to:

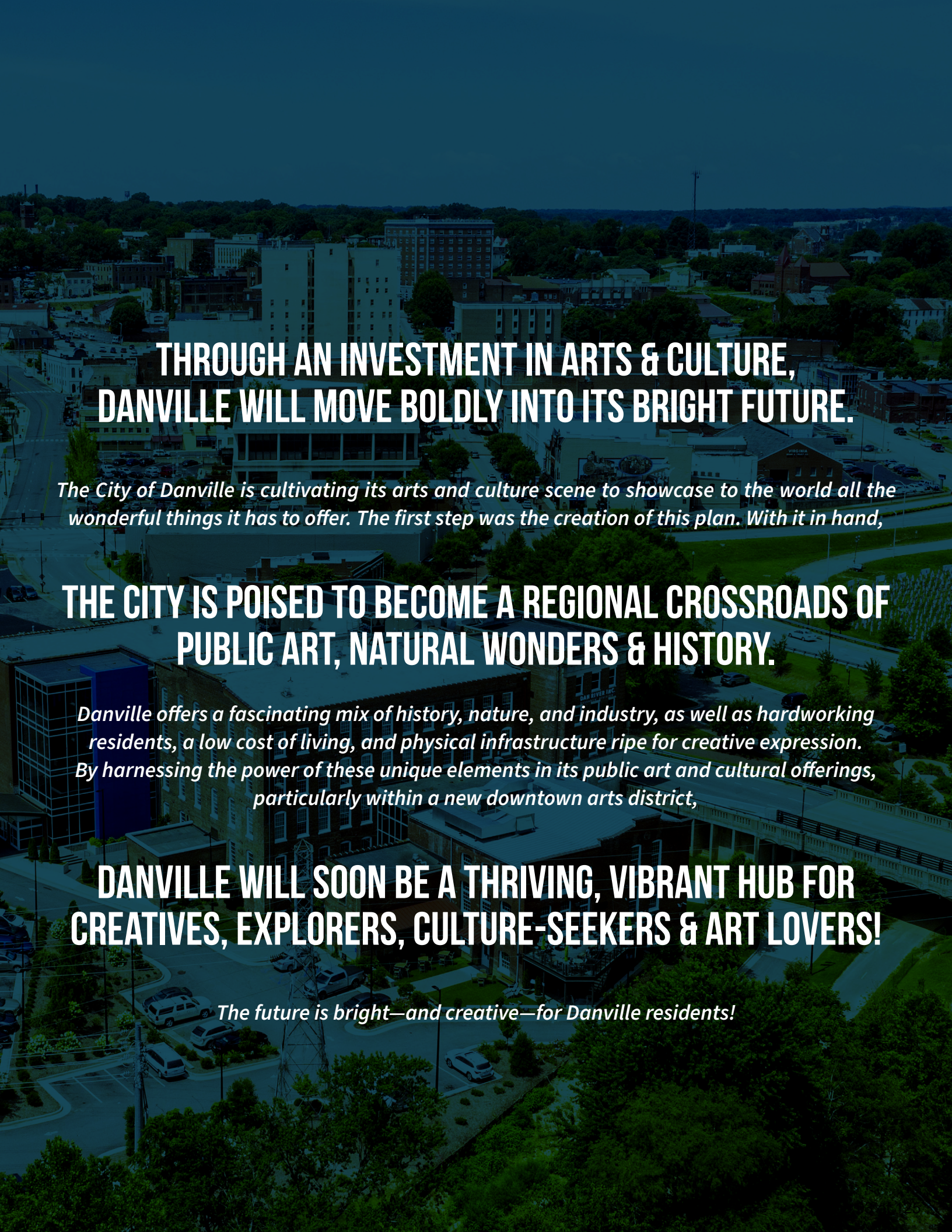
- Artist(s) fees for design and execution of murals
- Rental or purchase of painting equipment or the purchase of painting supplies

- Preparation of the mural surface, including repairs and priming
- Rental of barricades and other equipment required of street or alley closures
- Lighting and electrical equipment
- Other expenses that are pre-approved by the Cultural Arts Commission and the City of Danville

Mural Implementation

Upon selection, the artist will work with the City of Danville to create a design and secure permits, such as street or alley closures, as appropriate. Below is a general overview:

- The Cultural Arts Commission will review and give final approval for the artist selection and mural design.
- City Staff will monitor the creation and completion of the mural.
- The Artist will create the artwork in a timely fashion. If more time is needed, the artist must notify the City so that any applicable permits may be extended.
- The creation of the mural must include materials that are long-lasting (at least five (5) years unless agreed to beforehand) and graffiti- and UV-resistant, or feature an anti-graffiti and UV-resistant coating.
- The artist must notify the City when the mural is completed.
- When the mural is completed, the Cultural Arts Commission will hold a mural dedication event.



**THROUGH AN INVESTMENT IN ARTS & CULTURE,
DANVILLE WILL MOVE BOLDLY INTO ITS BRIGHT FUTURE.**

The City of Danville is cultivating its arts and culture scene to showcase to the world all the wonderful things it has to offer. The first step was the creation of this plan. With it in hand,

**THE CITY IS POISED TO BECOME A REGIONAL CROSSROADS OF
PUBLIC ART, NATURAL WONDERS & HISTORY.**

Danville offers a fascinating mix of history, nature, and industry, as well as hardworking residents, a low cost of living, and physical infrastructure ripe for creative expression. By harnessing the power of these unique elements in its public art and cultural offerings, particularly within a new downtown arts district,

**DANVILLE WILL SOON BE A THRIVING, VIBRANT HUB FOR
CREATIVES, EXPLORERS, CULTURE-SEEKERS & ART LOVERS!**

The future is bright—and creative—for Danville residents!

Council Letter
City of Danville, Virginia



CL - 1570

NEW BUSINESS D.

City Council REGULAR MEETING

Meeting Date: September 17, 2024

Subject: Creating the Public Arts Commission.

From: Sam Howarth, Facilities and Services Planner

COUNCIL ACTION

An Ordinance Repealing and Reordaining in its Entirety Article XIV., Entitled "Tourism Board", of Chapter 2., Entitled "Administration", of the Code of the City of Danville, Virginia, 1986, As Amended by Adding a New Article XIV., Entitled "Danville Public Arts Commission".

SUMMARY

Danville City Council has adopted the Danville Arts and Culture Plan for the City of Danville. One recommendation of the Plan was the establishment of a Cultural Arts Commission to support staff in a cultural arts division in the city, and generate community support for a cultural arts in Danville.

RECOMMENDATION

Staff recommends Danville City Council adopt the attached Ordinance Amending Danville City Code to adopt the Public Arts Commission.

Attachments

1. Ordinance
 2. Public Arts Commission Code
-

PRESENTED: _____

ADOPTED: _____

ORDINANCE NO. 2024-____.____

AN ORDINANCE REPEALING AND REORDANING IN ITS ENTIRETY ARTICLE XIV., ENTITLED "TOURISM BOARD", OF CHAPTER 2., ENTITLED "ADMINISTRATION", OF THE CODE OF THE CITY OF DANVILLE, VIRGINIA, 1986, AS AMENDED BY ADDING A NEW ARTICLE XIV., ENTITLED "DANVILLE PUBLIC ARTS COMMISSION".

WHEREAS, the current Article XIV., entitled "Tourism Board" of the code of the City of Danville, Virginia needs to be repealed in its entirety; and

WHEREAS, a new Article XIV., entitled "Danville Public Arts Commission" will establish a strong Public Arts Program, that will showcase the City's offerings of arts and cultures that provide memorable and enriching experiences for the residents and tourists alike; and

WHEREAS, the City believes that through its natural beauty, historic district, and proposed culture corridor it offers opportunities that characterize the City's unique identity in the region; and

WHEREAS, the City's mission is to blend Danville's distinct past, present, and future in a way that maximizes the existing resources, encouraging residents and tourist alike to sojourn the City's cultural landscape, with its widely shared desire to promote innovative and impactful projects to become a hub for creatives, explorers, culture-seekers, and art lovers.

NOW THEREFORE, BE IT ORDAINED by the Council of the City of Danville, Virginia that the current Article XIV., entitled "Tourism Board", of Chapter 2., entitled "Administration", be, and is hereby, repealed in its entirety; and

BE IT FURTHER ORDAINED that a new Article XIV., entitled "Danville Public Arts Commission" be ordained, to read as is attached hereto and made a part hereof, as if fully set forth herein.

BE IT FINALLY ORDAINED that the Public Arts Commission is hereby established to be known as the "Danville Public Arts Commission".

Approved:

Mayor

Attest:

City Clerk

Approved as to
Form and Legal Sufficiency:

City Attorney

ARTICLE XIV. ~~TOURISM BOARD~~ PUBLIC ARTS COMMISSION

Sec. 2-310. Establishment, designation.

It is the general policy of the City Council that tourism is an important and vital industry within the City of Danville. In an effort to better promote and market tourism within the City of Danville, a Tourism Board is hereby established to be known as "The Danville Tourism Board".

(Ord. No. 2002-06.06, 6-4-02)

Sec. 2-311. Definitions.

At large representative shall mean a resident of the City of Danville who is appointed to the Tourism Board by the other ten (10) representatives of the Tourism Board.

Attraction representative shall mean an owner or employee of an attraction located in the City of Danville who is appointed to the Tourism Board by the Danville City Council.

Chamber representative shall mean the sitting President of the Danville-Pittsylvania Chamber of Commerce who is appointed to the Tourism Board by Danville City Council.

Council representative shall mean a sitting member of Danville City Council who is appointed to the Tourism Board by Danville City Council.

Education representative shall mean an owner or an employee of one (1) of the educational entities located in the City of Danville who is appointed to the Tourism Board by the Danville City Council.

Historical representative shall mean a member of the Danville Historical Society who is a resident of the City of Danville and who is appointed to the Tourism Board by the Danville City Council.

Hotel representative shall mean an owner or employee of a hotel, motel or bed and breakfast located in the City of Danville who is appointed to the Tourism Board by the Danville City Council.

Media representative shall mean an owner or an employee of one (1) of the media sources located in the City of Danville who is appointed to the Tourism Board by the Danville City Council.

Museum representative shall mean a member or an employee of one (1) of the museums located in the City of Danville who is appointed to the Tourism Board by the Danville City Council.

Restaurant representative shall mean an owner or employee of a restaurant or eating establishment located in the City of Danville who is appointed to the Tourism Board by Danville City Council.

Retail representative shall mean an owner or employee of a retail establishment located in the City of Danville who is appointed to the Tourism Board by the Danville City Council.

Tourism Board shall mean the Danville Tourism Board.

(Ord. No. 2002-06.06, 6-4-02; Ord. No. 2006-08.06, 8-1-06)

Sec. 2-312. Composition; appointment and qualifications of members of Tourism Board.

The Tourism Board shall consist of eleven (11) members, ten (10) of whom shall be appointed by City Council, plus an "at large" member appointed by the other ten (10) members of the Tourism Board. Of the ten (10) members appointed by the City Council, one (1) shall be a restaurant representative; one (1) shall be a hotel representative; one (1) shall be a chamber representative; one (1) shall be a council representative; one (1) shall be a museum representative; one (1) shall be an historical representative; one (1) shall be a retail representative; one (1) shall be an attraction representative; one (1) shall be a media representative and one (1) shall be an education representative. The one (1) "at large" representative shall be appointed by the other ten (10) representatives and must be a resident of the city of Danville.

(Ord. No. 2002-06.06, 6-4-02; Ord. No. 2006-08.06, 8-1-06)

Sec. 2-313. Terms of members; filling of vacancies.

Once appointed, each member of the Tourism Board shall remain a member of the Board for three (3) years from the date of their appointment. The initial term of the City Council representative, the historic representative and the museum representative shall be for one (1) year. The initial term of the "at large" representative, one (1) of the hotel representatives and one (1) of the restaurant representatives shall be for two (2) years. The initial term of the chamber representative, one (1) of the hotel representatives and one (1) of the restaurant representatives shall be for three (3) years. There is not term limit on the number of terms that a board member may serve on the Tourism Board. Any vacancy occurring in the membership of the Tourism Board will be filled by appointment by the appointing authority for the unexpired term of the vacating member.

(Ord. No. 2002-06.06, 6-4-02)

Sec. 2-314. Legal representation.

The City Attorney or his designee shall be the legal advisor and counsel to the Tourism Board.

(Ord. No. 2002-06.06, 6-4-02)

Sec. 2-315. Quorum; majority vote.

A majority of the members of the Tourism Board shall constitute a quorum and no action of the Tourism Board shall be valid unless authorized by a majority vote of those present and voting unless there is a valid conflict of interest. Each voting member of the Tourism Board is required to vote on each item presented to the Board for a vote, unless there is a valid conflict of interest.

(Ord. No. 2002-06.06, 6-4-02)

Sec. 2-316. Chair and Vice-Chairman.

The Tourism Board, at its inaugural meeting at Noon on August 8, 2002, and at its first meeting in July of each year thereafter, shall after the "at large" representative has been selected elect from its members a Chairman and Vice-Chairman whose terms shall be from the date of appointment through the first meeting in July of the following year. No member of the Tourism Board shall be eligible for election as Chairman or Vice-Chairman for more than three (3) consecutive full terms in the same office.

(Ord. No. 2002-06.06, 6-4-02)

~~Sec. 2-317. Secretary.~~

~~The Director of the City's Department of Parks and Recreation shall designate and appoint a member of his/her staff to serve as Secretary of the Tourism Board. The Secretary shall be responsible for the preparation and distribution of all notices, agendas, minutes and advertisement of meetings and public hearings of the Tourism Board. The Secretary shall keep and maintain the Tourism Board's records and render and perform for the Tourism Board other services and duties usually pertaining to such office. The Secretary shall not have any voting rights.~~

~~(Ord. No. 2002-06.06, 6-4-02)~~

~~Sec. 2-318. Meetings generally.~~

~~The Tourism Board shall meet on the second Thursday of the following months: January, April, July, and October. Special meetings of the Tourism Board may be called by the Chairman or by four (4) members upon written request to the Secretary. The Secretary shall mail to all members, at least five (5) days in advance of a special meeting, a written notice setting the time, place and purpose of the special meeting. In case of an emergency, this notice requirement can be waived by a majority vote of the members.~~

~~(Ord. No. 2002-06.06, 6-4-02; Ord. No. 2006-08.06, 8-1-06)~~

~~Sec. 2-319. Assistance from City departments.~~

~~Upon the request of the Tourism Board, the City Manager may, from time to time, for the purpose of special projects under the direction of the Tourism Board, assign or detail to it any members of the staff of the administrative departments of the City as the Tourism Board deems necessary.~~

~~(Ord. No. 2002-06.06, 6-4-02)~~

~~Sec. 2-320. Reimbursement of expenses.~~

~~All members shall be reimbursed for any admission fees, travel costs and/or meals to attend professional conferences and/or workshops in accordance with the approved reimbursement policies of the City.~~

~~(Ord. No. 2002-06.06, 6-4-02)~~

~~Sec. 2-321. General powers and duties.~~

~~The Tourism Board shall have the following powers and duties:~~

- ~~(a) The Tourism Board shall act as an advisory board to the Director of Parks and Recreation and the Division Director for Tourism on the issues of promoting and marketing Danville's tourism industry.~~
- ~~(b) The Tourism Board should coordinate its recommendations with the Director of Parks and Recreation or in his absence the City's Director of the Division of Tourism.~~

~~(Ord. No. 2002-06.06, 6-4-02)~~

~~Sec. 2-322—2-330. Reserved.~~

Sec. 2-310. Establishment.

It is the general policy of the City Council that public art is important and vital to the community character of the City of Danville. To better promote and involve the citizens of Danville in the process of selecting public art, a Public Arts Commission is hereby established to advise the City on future public art projects.

Sec. 2-311. Definitions.

As used in this Article, the following terms shall be defined as specified herein:

Public Art means any visual or performance art displayed or performed in a public place or with the assistance of the City. Public Art includes, but is not limited to, any sculpture, functional art, mural, public performance, light installation, mosaic, textile, multi-media, pop-up or temporary art, community participatory art, site-specific art, or other mediums of artistic expression displayed for public enjoyment.

Sec. 2-312. Powers and duties.

The Public Arts Commission shall have the following powers and duties:

- (1) To create an annual Public Art Plan that outlines which projects and performances will be initiated in the coming fiscal year, as well as projects that will be in process during that fiscal year;
- (2) To submit an Annual Report to City Council, which includes an updated inventory of the City's public art, accomplishments since the last report, and a review of policy;
- (3) To review public art proposals, including public performances, and make recommendations to City staff on which proposals to fund;
- (4) To review grant applications and make recommendations to staff on which applications to fund;
- (5) To review proposals for donations of public art and recommend specific pieces of art for strategic placement throughout Danville;
- (6) To recommend the selection and commissioning of artists, including performers, for public art and events throughout Danville;
- (7) To advise City staff on public art projects facilitated by the City;
- (8) To advise the City on implementation of the Arts and Cultural Master Plan;
- (9) To advise City Council and City staff with regard to policies that will strengthen cultural initiatives and further public access to art.
- (10) To seek community input on proposed public art, potential locations, and types of public art desired; and
- (11) To provide the expertise and effort necessary to have a financially sustainable Public Arts Program that advocates for artistic participation;

Sec. 2-313. Composition of Public Arts Commission; terms of office.

(a) *Membership and term.* The Public Arts Commission shall consist of seven (7) voting Commissioners, six (6) of whom shall be appointed by the Council and one (1) of whom shall be appointed by the Director of Parks and Recreation. The Council shall also appoint an active member of the Council to serve as an *ex-officio* non-voting member of the Commission, who shall serve for a term of two (2) years. Each voting Commissioner shall serve for a four (4) year term, except in the case of the inaugural Commissioners appointed by the Council, half of whom shall be appointed to a full term of four (4) years and half of whom shall be appointed to a partial term of two (2) years, with subsequent appointments thereto then being for a full term of four (4) years. Of the inaugural Commissioners appointed by the Council, the alphabetically first, third, and fifth such Commissioner so appointed shall be for a full term and the second, fourth, and sixth shall be for a partial term.

(b) *Term limits.* No person appointed as a voting member to the Danville Public Arts Commission shall be eligible for reappointment to the same position if such person has served three (3) consecutive terms. When a person is appointed to fill less than fifty percent (50%) percent of the unexpired term of a prior appointee, such term of office shall not be counted as a term of office in enforcing or applying this limitation. However, in no case shall a person serve more than fifteen (15) consecutive years on the Commission. Any person ineligible for reappointment to the Commission under the provisions of this Section shall again be eligible for reappointment to the Commission after at least one (1) full year has elapsed since the expiration of his last term of office.

(c) *Expiration of term.* The term of an appointment to the Commission shall begin on January 1, except in the case of the inaugural Commissioners who shall take office immediately.

(d) *Absenteeism.* Any person appointed to the Commission who fails to attend seventy-five percent (75%) of the regular meetings of the Commission in any twelve (12) month period shall be deemed to have resigned from the Commission. The appointment by Council of another person to fill said seat shall constitute an acceptance of the resignation.

(e) *Removal.* Any person appointed to the Commission may be removed for malfeasance, misfeasance, nonfeasance, incapacity, or any other good cause by a majority vote of the whole Council.

(f) *Vacancies.* Any vacancy occurring in the voting membership of the Commission will be filled for the unexpired term in the same manner as the office was previously filled.

Sec. 2-314. Conflicts of interest.

(a) *Voting.* Each voting member appointed to the Commission shall be required to vote on each item presented for a vote at any meeting thereof at which he is present, unless such member has a valid conflict of interest, in which case such commissioner shall note the presence of such conflict for the record.

(b) *Financial disclosure.* Each voting member of the Commission shall timely file any financial disclosures required by law with the City Clerk.

Sec. 2-315. Meetings.

(a) *Regular meetings.* The Commission shall convene and conduct meetings for the handling of its general business and duties in regular intervals at a fixed time, date, and place as determined by the Commission in its bylaws. A copy of the fixed time, date, and place of regular meetings for the Commission shall be posted on the City's public government website and in a prominent location in the City Clerk's office. If the date of a regular meeting falls on a legal holiday observed by the City, the meeting shall be held on the next business day following such holiday, unless

a different day is otherwise fixed by the Commission at a previous regular meeting. The Commission shall regularly meet to carry out its duties in a timely manner but in no case shall the Commission meet fewer than four (4) times annually. The Commission may cancel a regular meeting if there are no business items properly before the Commission or due to inclement weather or similar unforeseen circumstances.

(b) *Special meetings.* A special meeting of the Commission may be called upon written request to the secretary of such board by the Mayor, the City Manager, the board Chairman, or the Public Arts Coordinator. The secretary shall provide written notice to all Commissioners at least three (3) business days in advance of any special meeting, except in the case an emergency in which case such notice shall be provided at least three (3) hours before the time designated on the notice. Written notice shall not be required to be provided to a member if:

_____ (1) the time and place of the special meeting has been fixed at a regular meeting;

_____ (2) the member is present at the special meeting; or

_____ (3) the member has waived notice in writing.

(c) *Quorum.* A majority of the members of the Commission shall constitute a quorum and no action of any board shall be valid unless authorized by a majority vote of those present and voting unless the abstention from a Commissioner with a valid conflict of interest results in a lower vote total.

(d) *Officers.* The Commission shall elect three (3) officers from its membership a Chairman, Vice-Chairman, and Secretary for a one (1) year term at its inaugural meeting each year and may elect similar additional officers from its membership at the option of the Commission. The Chairman shall sign all official documents on behalf of the Commission and shall preside over, rule on procedural questions, and direct the proceedings of all Commission meetings at which he is present. The Vice-Chairman shall exercise the same duties in the absence of the Chairman. If both the Chairman and Vice-Chairman are absent from a meeting, then the Secretary shall exercise the same duties in the absence of the Chairman and Vice-Chairman. If the Chairman, Vice-Chairman, and Secretary are all absent from a meeting, and the Commission has not elected any other officers, then the Commission shall elect from its a membership an acting Chairman to exercise the duties of Chairman until the meeting adjourns.

(e) *Committees.* The Chairman of any board may appoint committees consisting of a portion of its membership for purposes and terms as deemed necessary by the Chairman.

(f) *Bylaws.* The Commission may, with the advice and consent of the Public Arts Coordinator, adopt and amend its own bylaws and procedures for the conduct of its meetings, provided such bylaws and procedures are otherwise consistent with this Code and Virginia law. In the absence of bylaws or other law, questions of order shall be governed by Robert's Rules of Order.

(g) *Notice.* In addition to any other public notice or advertisement required by law, public notice of Commission meetings shall be posted both on the City's public website and in a prominent public location in the City Clerk's office. Notice, reasonable under the circumstance, of special, emergency, or continued meetings shall be given contemporaneously with the notice provided to the members of the board conducting the meeting. Public notice and advertisement of a special meeting shall not be required if the time of such meeting has been fixed at a previous regular meeting.

(h) *Request for notice.* Any person may annually file a written request for notification of meeting dates with the Secretary. The request shall include the requester's name, address, telephone number, electronic mail address, and organization, if any. The Secretary shall provide notice of all meetings directly to each such persons. Without objection by the person, the Commission may provide electronic notice of all meetings in response to such requests.

(i) Meeting agenda packet. At least one (1) copy of the proposed agenda and all agenda packets and, unless exempt, all materials furnished to members of the Commission for a meeting shall be made available for public inspection at the same time such documents are furnished to the members of the Commission.

(j) Public meetings. Except for closed sessions conducted in accordance with Virginia law, any meeting of the Commission shall be open to the general public to attend and shall not be conducted in any building or facility where recording devices are prohibited. Any person may photograph, film, record, or otherwise reproduce any portion of a public meeting, subject to reasonable rules adopted by the board governing the placement and use of equipment necessary for broadcasting, photographing, filming, or recording to prevent interference with the proceedings of the meeting.

(k) Public comment. The Commission may provide the public with the opportunity to comment during a meeting, subject to rules adopted by the Commission.

(l) Minutes. The Commission shall keep a written record of the minutes of any of its meetings or proceedings, including but not limited to the date, time, and location of the meeting, the members of the Commission recorded as present and absent, all applications or petitions, evidence presented, the name and address of each witness or other speaker providing testimony, a summary of the discussion on matters proposed, deliberated, or decided, findings of fact, motions and members making or seconding such motions, the vote of each Commissioner on each question, and the recommendation or order issued by the Commission. The record of the minutes of each meeting shall be subsequently adopted by the Commission and shall be maintained by the City as a public record available for public inspection and copying. The minutes shall be posted on the City's public website within seven (7) business days of final approval of the minutes.

Sec. 2-316. City assistance.

(a) Assistance from the City Manager. Upon the request of the Commission, the City Manager may, from time to time, for the purpose of carrying out certain duties under the direction of the Board:

(1) City staff. Assign or detail to the Commission any member of the City staff;

(2) Consultants. Hire and retain any such engineer, consultant, or other provider of professional services as the Commission deems necessary within the budgetary limits provided therefor; and

(3) Other assistance. Provide such other information, materials, and assistance as may be required and requested by the Commission in the performance of its duties.

(b) Training. The City shall provide each Commissioner with appropriate training and instruction on the City government and the purpose, powers, duties, procedures, and programs of the board to which he is appointed.

(c) Legal advisor. Unless otherwise specified by Virginia law or this Code, the City Attorney shall be the parliamentarian, legal advisor, and counsel to the Commission.

(d) Staff secretary. Unless otherwise specified by Virginia law or this Code, the City shall designate and appoint a member of the City staff to serve as staff secretary of the Commission. The staff secretary shall be responsible for the preparation and distribution of all notices, advertisements, agendas, and minutes for the Commission and its meetings and public hearings. The staff secretary shall keep and maintain all Commission records and render and perform for the Commission such other services and duties customarily pertaining to such office. Unless a different person is otherwise designated by the City Manager, the duties of the staff secretary shall fall upon the Public Arts Coordinator.

(e) Compensation and expenses. Unless otherwise specified by Virginia law or this Code, each Commissioner shall serve in such office without compensation. Each Commissioner shall be reimbursed by the City for admission fees, travel costs, and other expenses incurred by such Commissioner in the performance of his duties or when attending any professional conference or workshop, subject to and in accordance with the approved reimbursement policies of the City.

(f) Contracts. Unless otherwise specified by Virginia law or this Code, the Commission shall not have the authority to contract on behalf of the City.

Sec. 2-317—2-330. Reserved.

Council Letter City of Danville, Virginia



CL - 1551

NEW BUSINESS E.

City Council REGULAR MEETING

Meeting Date: September 17, 2024

Subject: Resolution Endorsing a Virginia Department of Transportation Project Funding Application by Pittsylvania County.

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

COUNCIL ACTION

A Resolution of the City Council of the City of Danville, Virginia Endorsing a Virginia Department of Transportation Project Funding Application by Pittsylvania County, Virginia for Design and Construction of Orphanage Road / Franklin Turnpike Signal.

SUMMARY

Pittsylvania County has submitted an application to the Virginia Department of Transportation (VDOT) for Smart Scale funding for design and construction of a traffic signal at Orphanage Road & Franklin Turnpike. VDOT is requesting a resolution from the City Council of the City of Danville endorsing the project funding application.

BACKGROUND

To improve safety at the Orphanage Road / Franklin Turnpike intersection, Pittsylvania County is proposing to design and construct a traffic signal. Although the project will mostly be in Pittsylvania County, a portion of the project will extend into the City of Danville. Since part of the project will extend into the City of Danville, a resolution is needed from the City Council of the City of Danville.

RECOMMENDATION

Staff recommends that City Council approve the attached resolution endorsing the project funding application by Pittsylvania County for a traffic signal at Orphanage Road and Franklin Turnpike.

Attachments

1. Resolution
-

PRESENTED: _____

ADOPTED: _____

RESOLUTION NO. 2024-____.____

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF DANVILLE, VIRGINIA ENDORSING A VIRGINIA DEPARTMENT OF TRANSPORTATION PROJECT FUNDING APPLICATION BY PITTSYLVANIA COUNTY, VIRGINIA FOR DESIGN AND CONSTRUCTION OF ORPHANAGE ROAD / FRANKLIN TURNPIKE SIGNAL.

WHEREAS, Pittsylvania County, Virginia has submitted an application to the Virginia Department of Transportation for Smart Scale funding for design and construction of a traffic signal at Orphanage Road & Franklin Turnpike; and

WHEREAS, a portion of the project will extend into the City of Danville; and

WHEREAS, since a portion of the project will extend into the City of Danville, it is necessary that a resolution of support be received from the City Council of the City of Danville.

NOW THEREFORE, BE IT RESOLVED, by the City Council of the City of Danville, Virginia, that the City of Danville endorses and supports the project funding application by Pittsylvania County, Virginia to the Virginia Department of Transportation for design and construction of Orphanage Road / Franklin Turnpike Signal; and

BE IT FINALLY RESOLVED that the City Council of the City of Danville hereby grants authority to the City Manager to execute any necessary project documents on behalf of the City of Danville.

APPROVED:

MAYOR

ATTEST:

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 - 1561

NEW BUSINESS F.

City Council REGULAR MEETING

Meeting Date: September 17, 2024

Subject: Authorizing the City Manager to Enter into an Agreement with American Municipal Power.

From: Jason Grey, Director of Utilities

COUNCIL ACTION

A Resolution Authorizing the City Manager to Enter into an Agreement with American Municipal Power to Purchase Renewable Energy Credits.

SUMMARY

Various electric industrial customers are requesting the City's guidance on how to meet their carbon goals. Several industrial customers would like to purchase renewable energy credits from the City to off-set current fossil-fueled generation. American Municipal Power has established the EcoSmart Choice program to assist all customer classes in achieving their own carbon goals. This program uses a blend of hydro, wind, and solar resources and sells their renewable energy attributes for customers to use to off-set their fossil-fuel generation. Staff has evaluated this program and has determined it a low cost substitute until more renewable generation is available.

BACKGROUND

The City's power supply is allocated with approximately 25% of renewable energy generation resources. As current contracts expire, City staff looks to evaluate available renewable energy options, if economical. In the meantime, renewable energy credits (RECs) are a low-cost alternative to off-set fossil-fueled generation. American Municipal Power's (AMP) EcoSmart Choice program delivers a blended group of wind, hydro, and solar options for customers to choose from. Danville is a large participant in several projects with AMP including five run-of-the-river hydro facilities on the Ohio River.

RECOMMENDATION

Staff recommends Council adopt a Resolution authorizing and approving the City Manager entering into an agreement with American Municipal Power to purchase renewable energy credits.

Attachments

1. Resolution
 2. EcoSmart Choice Program
-

PRESENTED: _____

ADOPTED: _____

RESOLUTION NO. 2024-____.____

A RESOLUTION AUTHORIZING THE CITY MANAGER TO ENTER INTO AN AGREEMENT WITH AMERICAN MUNICIPAL POWER TO PURCHASE RENEWABLE ENERGY CREDITS.

WHEREAS, the City of Danville, Virginia ("Municipality") owns and operates an electric utility system for the sale of electric power and associated energy for the benefit of its citizens and taxpayers; and

WHEREAS, American Municipal Power, Inc. ("AMP") is an Ohio nonprofit corporation that functions as a wholesale power supplier and services provider for certain member municipalities, including Municipality, that operate electric systems ("Members"); and

WHEREAS, AMP has developed a green energy program named EcoSmart Choice ("EcoSmart Choice Program") that provides for the purchase of green / renewable energy electricity products, including the green attributes from energy generated from wind, hydroelectric, solar, biomass, geothermal, landfill gas, and other approved generating facilities, to certain consumers within Member communities, including Municipality's community; and

WHEREAS, Municipality desires to participate, and AMP desires for Municipality to participate, in the EcoSmart Choice Program, on terms and conditions as generally set forth in a participating member agreement between AMP and Municipality ("Participating Member Agreement"), on file with the Clerk; and

WHEREAS, this measure will contribute to the policy goal of sustainability by promoting the use and development of green/renewable power.

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

SECTION 1: The City Manager is hereby authorized to enter into a Participating Member Agreement between AMP and Municipality to enable Municipality to participate in the EcoSmart Choice Program, substantially in the form of the Participating Member Agreement.

SECTION 2: The City Manager is hereby authorized to provide for rates and requirements applicable to Municipality's electric utility system for purposes of effectuating the EcoSmart Choice Program, as City Manager shall deem necessary and advisable, in conformance with the pricing and payment provisions of Section 1 and Section 4 of the Participating Member Agreement.

SECTION 3: That it is found and determined that all formal actions of this Council concerning and relating to the passage of this Resolution were taken in an open meeting of this Council and that all deliberations of this Council and of any committees that resulted in those formal actions were in meetings open to the public, in compliance with all legal requirements.

SECTION 4: If any section, subsection, paragraph, clause or provision, or any part thereof of this Resolution shall be finally adjudicated by a court of competent jurisdiction to be invalid, the remainder of this Resolution shall be unaffected by such adjudication and all the remaining provisions of this Resolution shall remain in full force and effect as though such section, subsection, paragraph, clause or provision, or any part thereof so adjudicated to be invalid had not, to the extent of such invalidity, been included herein.

SECTION 5: This measure shall take effect and be in force from and continuing thereafter upon the earliest time allowed by law.

AND BE IT FINALLY RESOLVED that the City Manager, Kenneth F. Larking, be, and he is hereby, authorized to execute on behalf of the City any and all documents.

Approved:

Mayor

Attest:

City Clerk

Approved as to
Form and Legal Sufficiency:

City Attorney

EcoSmart Choice Program
PARTICIPATING MEMBER SCHEDULE
AMP CONTRACT NO. 2024-010469-SCHED
A Schedule to American Municipal Power, Inc.,
and
CITY OF DANVILLE
Master Service Agreement No. C-2-2006-4975

This Participating Member Schedule (the “**Schedule**”) between **AMP** and the City of Danville, Virginia (the “**Participating Member**”) has been agreed upon as of _____, 2024 (the “**Effective Date**”). This Schedule is a schedule under the Master Services Agreement referenced above (“MSA”) the terms and conditions of which shall apply to all transactions hereunder unless specifically set forth to the contrary herein.

Capitalized terms used herein but not defined in the MSA shall have the meaning set forth in Section 10 of this Schedule.

Recitals

WHEREAS, AMP has created the ***EcoSmart Choice*** Program to provide a renewable energy product that the Participating Member can sell to its Customers supported by the purchase and retirement of Renewable Energy Certificates (“REC”) from renewable energy resources, including but not limited to, wind, hydroelectric, solar, biomass, geothermal, and landfill gas to Participating Members;

WHEREAS, Participating Member desires to acquire and AMP desires to provide ***EcoSmart Choice*** services pursuant to this Schedule consisting of Blended Renewable Product, on terms and conditions as set forth herein;

WHEREAS, AMP will supply ***EcoSmart Choice*** product (in MWhs) to the Participating Member and will purchase and retire an equivalent amount of Renewable Energy Certificates (in MWhs) at the conclusion of the program year (referred to as Annual True-Up); and

WHEREAS, pursuant to the terms and conditions identified in Exhibit B, attached hereto, AMP will award Sustainability Grants for approved sustainability projects by Participating Member;

NOW THEREFORE, in consideration of the promises, mutual covenants and conditions set forth herein, and for other good and valuable consideration, the receipt and sufficiency of which is acknowledged, and intending to be bound hereby, the Parties agree as follows:

1. Enrollment Set Up

Within thirty (30) days of the Effective Date of this Schedule, the Participating Member shall coordinate with AMP to establish enrollment services, usage tracking procedures and billing templates with regard to the Blended Renewable Product, consistent with the quality standards the Participating Member employs for its other electric services. AMP strongly suggests that the monthly premium included in the price of a Blended Renewable Product is stated on the Customer's monthly bill, but this Schedule does not require the same.

2. Marketing the Branded Product

2.1 Approvals and Marketing. Within sixty (60) days of the Effective Date of this Schedule, AMP shall provide initial Marketing materials to the Participating Member in order to Market the *EcoSmart Choice* Program and the Blended Renewable Product to the Participating Member's potential Customers. Marketing materials shall be mutually agreed upon by AMP and Participating Member, but shall not include TV or video service, or other third party services that require additional cash payments from AMP. The Participating Member shall use commercially reasonable efforts to inform its Customers of the *EcoSmart Choice* Program. The Blended Renewable Product shall be Marketed and sold to Customers under the licensed Mark "*EcoSmart Choice*" and pursuant to the *EcoSmart Choice* Program and the terms and conditions of AMP's approved Brand Standards.

2.2. Compliance with Law; Product Names. Each Party will offer and Market the Blended Renewable Product and the *EcoSmart Choice* Program, as applicable, in compliance with all applicable laws. The Blended Renewable Product shall be referred to

as “*EcoSmart Choice*” renewable energy product, and in all materials in which the *EcoSmart Choice* Mark is used, *EcoSmart Choice* shall be identified as a registered trademark of AMP.

2.3 License of Marks. Participating Member shall have a royalty-free non-exclusive license to use the *EcoSmart Choice* Mark solely for the purposes of participating in the *EcoSmart Choice* Program and in accordance with the terms of this Schedule.

3. Rates.

3.1 Rates. The rate of the Blended Renewable Product shall be calculated as follows: (i) an amount equal to the product of 0.4 Cents (\$0.004) multiplied by the aggregate number of kWhs of the Customer Load set forth in the Quarterly Report for the Blended Renewable Product sold to Customers, rounded to the nearest cent.

3.2 Rate Adjustment. AMP may adjust at any time the rates set forth in Section 3.1 to reflect any increases or decreases in the cost of the RECs purchased by AMP, or the market value of any AMP owned RECs provided by AMP and assigned to the *EcoSmart Choice* program to fulfill its obligations hereunder. Participating Member will receive notice at least forty-five (45) days before AMP adjusts the rates set forth in Section 3.1.

4. Sale of Blended Renewable Product to Customers; Reporting; Invoicing; and Remittances.

4.1 Sale of Blended Renewable Product to Customers. The Participating Member shall offer for sale and sell the Blended Renewable Product to Customers, in each case at a rate for each kWh (or each MWh) of the Customer Load for such Branded Product equal to the sum of an amount not to exceed: (i) the customers’ applicable rate per kWh (or per MWh) set forth in the Participating Member’s otherwise applicable rate schedule, plus (ii) the rates set forth in Section 3.1. At the option of the Participating Member, the Customer shall have a choice of receiving Blended Renewable Product equal to twenty-five percent (25%), fifty percent (50%), seventy-five percent (75%), one hundred percent (100%), or other percentage amount as determined by the Participating

Member, of the Customer's energy usage. Any other percentage amounts offered to the Customer by the Participating Member must be confirmed in writing to AMP.

4.2 Customer Load Reporting; Quarterly Report. Within fifteen (15) calendar days after the end of each Quarter, the Participating Member will deliver to AMP a report (the "Quarterly Report") indicating, for that Participating Member: (i) the total number of Customers enrolled to purchase the Blended Renewable Product during each calendar month, or period of time mutually agreed upon by the Parties, in that Quarter; (ii) for each Branded Product, the actual or estimated Customer Load for such month in the aggregate expressed in kWhs for the Blended Renewable Product; and, (iii) such other enrollment, cancellation and Customer information as mutually agreed to by the Parties. Frequency of reporting may be adjusted based on mutual agreement by the Parties.

4.3 Invoices to Participating Member. Subject to the terms and conditions of this Schedule and the MSA, and pursuant to Section 3 herein, within thirty (30) calendar days of receipt of the Quarterly Report, AMP shall invoice the Participating Member for the purchase of the Branded Product ("Quarterly Invoice") for each kWh in the Customer Load for Blended Renewable Product sold to the Participating Member at a per kWh rate equal to \$0.004 per kWh (or \$4.00 per MWh) in accordance with this Schedule and the MSA, adjusted as set forth in Section 3.2 herein.

4.4 Quarterly Remittance of Participating Member to AMP. Subject to the terms and conditions of this Schedule and the MSA, and pursuant to Section 3 herein, within thirty (30) calendar days of receipt of the Quarterly Invoice, the Participating Member shall remit to AMP the amount in the Quarterly Invoice for the purchase of the Branded Product ("Quarterly Remittance").

5. Purchase and Retirement of RECs.

Pursuant to the terms and conditions of the MSA and this Schedule and during its term, at the end of each calendar year during the term of the agreement, AMP shall conduct an Annual True-Up whereby, on behalf of the Participating Member, AMP shall purchase an amount of RECs ("Purchased RECs") equal to the Customer Load but not to exceed the amount invoiced to Participating Member during the Reporting Period, combined with any amount remitted to AMP from the prior Reporting Period. All such

Purchased RECs will represent energy (measured in kWh or MWh) generated by appropriate resources during the Reporting Period as determined by AMP. Purchased RECs shall be matched with the Customer Load as set forth herein and AMP shall retire the Purchased RECs as soon as practically possible. In no event shall any such RECs be resold or claimed by AMP or the Participating Member for any purpose other than the *EcoSmart Choice* Program.

6. Term and Termination

6.1 Term. Subject to termination of this Schedule pursuant to the terms set forth herein, the initial term of this Schedule shall commence as of the Effective Date hereof and shall expire on December 31, 2026 (generally approximately two years following execution). After the initial term, this Schedule shall be renewed for additional two-year terms, each subject to termination of this Schedule pursuant to the terms and conditions set forth herein unless a Party notifies the other Party of its desire to not renew this Schedule, at least ninety (90) calendar days prior to the end of any term.

6.2 Termination. Prior to the expiration of any term, this Schedule may be terminated in the event of the occurrence of any of the following events: (i) upon the occurrence of a Regulatory Event, negotiation, and notice as described in Section 7; (ii) by mutual written agreement of the Parties; or (iii) upon AMP's material failure to provide RECs in accordance with Section 4 hereof.

7. Regulatory Event

Upon the occurrence of a Regulatory Event, the adversely affected Party shall within thirty (30) calendar days give notice to each of the other Party that such event has occurred. Within ten (10) calendar days, or such other period as the Parties may agree to in writing, each Party will enter into good faith negotiations with the other Party to amend or replace this Schedule. In the case of a Regulatory Event, the Parties shall attempt to amend this Schedule so that the adversely affected Party is restored as nearly as possible to the economic position it would have been in but for the occurrence of the Regulatory Event. In either case, if the Parties are unable, within thirty (30) calendar days of initiating negotiations, or such other period as the Parties may agree to in writing, to agree upon an amendment to this Schedule, the adversely affected Party shall have the

right, upon subsequent additional fifteen (15) calendar days prior written notice, to terminate this Schedule.

8. Force Majeure.

Other than the obligation to make payments for completed performance, a Party shall not be considered to be in default of its obligations hereunder, if its failure results directly from a Force Majeure event, including but not limited to, any act of God, fire, casualty, delay or disruption in transportation, flood, storm, natural disaster, civil war, strike, lockout, epidemic, destruction or shutdown of facilities, shortage or curtailment, riot, insurrection, governmental acts or directives, or any other cause beyond a Party's reasonable control. In the event that a Party is unable, wholly or in part, to meet its obligations under this Schedule due to a Force Majeure event, the obligations of such Party, so far as they are affected by such Force Majeure, shall be excused from the inception throughout the period of continuance of the Force Majeure. In the event any Party hereto is rendered unable, wholly or in part, by Force Majeure to carry out its obligations hereunder, it is agreed that upon such Party's (the "Claiming Party") giving notice and full particulars of such Force Majeure to each of the other Party as soon as reasonably practicable, using best efforts to provide notice within three (3) business days, after becoming aware of the cause relied upon, such notice to be confirmed in writing to each of the other Parties, then the obligations of the Claiming Party shall, other than the obligation to make payments due hereunder, and to the extent they are affected by such Force Majeure, be suspended during the continuance of said inability but for no longer period. In the event a Party receiving such notice of an event of Force Majeure objects to or disputes the existence of an event of Force Majeure, such receiving Party shall send notice to each the other Parties of such objection or dispute of the existence of an event of Force Majeure as soon as reasonably practicable following receipt of such notice of an event of Force Majeure. The Claiming Party affected by an event of Force Majeure shall use commercially reasonable efforts to fulfill its obligations hereunder and to remove any disability caused by such event at the earliest practicable time.

9. Customer Complaints.

If a Party receives a complaint from a Customer or potential Customer, or a complaint is filed with a governmental or regulatory authority, regarding the *EcoSmart Choice* program provided under this Schedule, such Party will, as soon as possible and in no event later than five (5) Business Days of receiving notice of the complaint, give the other Party notice of the complaint. The Participating Member shall, at its expense, be responsible for handling all Customer complaints related to the Blended Renewable Product; provided, however, the Participating Member may request AMP to assist it with any Customer complaints. The Parties will work expeditiously and in good faith to share information about the complaint and the facts giving rise to the complaint.

10. Definitions.

“Annual True-Up” means AMP’s process of balancing the total amount of MWh sold by Participating Members under the *EcoSmart Choice* program in a given calendar year with an equal amount of Renewable Energy Certificates, which are purchased and retired by AMP.

“Blended Renewable Product” means a product consisting of RECs, purchased by AMP and retired by AMP on behalf of Customers, from a variety of renewable energy resources to be Marketed to potential Customers under the licensed Mark “*EcoSmart Choice*”, pursuant to the *EcoSmart Choice* Program and the terms and conditions set forth in this Schedule. The Blended Renewable Product shall match a percentage of kWhs/MWhs of a Customer’s energy usage for the specified period of time. At the option of the Participating Member, the Customer shall have a choice of receiving Blended Renewable Product equal to twenty-five percent (25%), fifty percent (50%), seventy-five percent (75%), one hundred percent (100%), or other percentage amount, as determined by the Participating Member, of the Customer’s energy usage.

“Customer Load” means the aggregate amount of energy, expressed in kWhs and/or MWhs, as applicable, delivered to Customers purchasing the Blended Renewable Product, as measured at such Customers’ meters by the Participating Member serving such Customers over a specified period of time.

“Customers” means all eligible retail customers of the Participating Member who purchase any of the Blended Renewable Product from the Participating Member.

“EcoSmart Choice Program” means the retail REC program jointly entered into by the Parties to promote, Market and sell the Blended Renewable Product to potential Customers, pursuant to the terms and conditions of this Schedule.

“Mark” means the *“EcoSmart Choice”* name and trademark, attached as Exhibit A or as subsequently updated or revised, owned by AMP and registered with the United States Patent and Trademark Office.

“Market”, “Marketed” or “Marketing” means customer communications and outreach activities associated with increasing and maintaining purchases of the Blended Renewable Product by potential and current Customers.

“Purchased RECs” has the meaning set forth in Section 5 above.

“Quarterly Invoice” has the meaning set forth in Section 4.3 above.

“Quarterly Remittance” has the meaning set forth in Section 4.4 above.

“Quarterly Report” has the meaning set forth in Section 4.2 above.

“Regulatory Event” shall mean any of the following events hereunder: (i) due to the adoption of, or change in, any applicable law, or in the interpretation of any applicable law by any judicial or government authority with competent jurisdiction, it becomes unlawful for a Party to perform any obligation under this Schedule; (ii) any regulatory agency or court having jurisdiction over this Schedule requires a material change to the terms of this Schedule that materially and adversely affects a Party’s ability to perform hereunder; (iii) any regulatory agency issues new regulations, amends existing regulations, or, issues an order, or a court enters an order, the effect of which is to adversely and materially affect a Party’s ability to perform hereunder; (iv) any action by a governmental or regulatory authority with jurisdiction over the Parties that adversely and materially affects a Party’s ability to perform hereunder; or (v) any ad valorem, property, occupation, severance, generation, first use, conservation, BTU or energy, transmission, utility, gross receipts, privilege, sales, use, consumption, excise, lease, transaction or other governmental charge, license, fee or assessment (other than such charges based

on net income or net worth), or increase in such charges, or application of such charges to a new or different class of parties, enacted and effective after the Effective Date that adversely and materially affects a Party's ability to perform hereunder. Regulatory Events do not include actions of any officer, legislative authority or regulatory authority of the Participating Member.

“Renewable Energy Certificate(s)” or “REC(s)” means (i) fuel source, emissions and other environmental characteristics, and avoidance of emissions, resulting from the generation of renewable energy or otherwise and (ii) the REC reporting rights. One (1) REC shall be associated with one (1) MWh of energy generated from a renewable energy resource, including but not limited to wind, hydroelectric, solar, biomass, geothermal and landfill gas.

“Sustainability Grants” means monies in the form of grants that may be made available by AMP to *EcoSmart Choice* Participating Members as set forth in EXHIBIT B, attached.

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IN WITNESS WHEREOF, the Parties have executed this Schedule as of the Effective Date.

AMERICAN MUNICIPAL POWER, INC.

CITY OF DANVILLE, VIRGINIA

By: _____

Name: Adam Ward

Its: Senior Vice President of Member
Services, Environmental Affairs &
Policy

Date: _____

Approved as to form:

Lisa McAlister
Senior Vice President and General Counsel

Attachments: EXHIBIT A

EXHIBIT B

By: _____

Name: _____

Its: _____

Date: _____

Approved as to form:

Legal Advisor

EXHIBIT A



EXHIBIT B

Sustainability Grants under AMP's *EcoSmart Choice* Program

I. Overview

As part of AMP's *EcoSmart Choice* green-pricing program, in the event that program revenues exceed program expenses in an amount equal to or exceeding \$5000.00 in a given calendar year, AMP will provide Sustainability Grants to Participating Members pursuant to the terms and conditions set forth herein.

II. Eligibility

Only Participating Members in AMP's *EcoSmart Choice* program in a given year who submit a valid *EcoSmart Choice* Sustainability Grant application shall be eligible to receive Sustainability Grants for that given year.

III. Calculating Available Funds for Sustainability Grants

Each February, AMP will total MWhs sold under the *EcoSmart Choice* program during the previous calendar year by each Participating Member, and shall purchase and retire an equal amount of Renewable Energy Certificates (RECs), consistent with the Annual True-Up Procedures. If program revenues exceed program expenses for the previous calendar year by an amount equal to or exceeding \$5000.00, AMP will designate the available excess revenue for Sustainability Grants. In the event that the program revenues do not exceed program expenses by \$5000.00 or more, any excess revenues will be carried over to the next program calendar year. If funds are available, Sustainability Grants shall be awarded each April to Participating Members who applied for such Sustainability Grants and have eligible projects. The Sustainability Grants shall be based on a *pro-rata* share of each Participating Member's *EcoSmart Choice* MWhs sold during the previous calendar year.

IV. Eligible Projects

An eligible project is submitted by a Participating Member that demonstrates a commitment to sustainability through the promotion of balancing environmental, economic, and community interests. Examples of eligible projects could include, but are not limited to, installing solar or other local renewable generation, tree planting in public parks and spaces, energy efficiency and weatherization improvements to public buildings, supporting local charities, energy and environmental education programs in schools / for customers, economic development activities, etc. Sustainability Grants are not merit-based and will not be awarded on a first-come, first-served basis; however, no Sustainability Grants shall be awarded in absence of an application from a Participating Member.

V. Application Process

Each Participating Member wishing to receive a Sustainability Grant based on its participation in the *EcoSmart Choice* program for the previous year shall submit an application (form to be supplied) to AMP by March 15, identifying a proposed sustainability project or projects. AMP will review all applications and make grants available in April to Participating Members who submitted valid applications. The amount of each Sustainability Grant shall be based on a *pro-rata* share of each Participating Member's *EcoSmart Choice* MWhs sold during the previous calendar year.