



DANVILLE CITY COUNCIL REGULAR MEETING AGENDA

MUNICIPAL BUILDING

October 1, 2024

7:00 PM

PRESIDING: Alonzo L. Jones, Mayor

CITY COUNCIL MEMBERS:	James B. Buckner	Dr. Gary P. Miller, Vice Mayor
	L.G. "Larry" Campbell, Jr.	Sherman M. Saunders
	Bryant Hood	J. Lee Vogler, Jr.,
	Barry P. Mayo	Madison J. Whittle

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

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 - SHERMAN M. SAUNDERS

PLEDGE OF ALLEGIANCE TO THE FLAG

ANNOUNCEMENTS AND SPECIAL RECOGNITION

- A. Proclamation: Crop Walk Week
Presented to: Sherri Tuck
- B. Presentation: Trophy from God's Storehouse Bats and Badges Softball Tournament
By: Shelby Irving, Division Chief of Community Risk Reduction, Danville Fire Department

MEETING MINUTES

- A. Consideration of Approval of Minutes of Regular Council Meeting held on September 3, 2024.
Council Letter Number CL - 1612.

APPOINTMENTS

- A. Recommendations of the Committee on Appointments.
Council Letter Number CL - 1613.

The Committee on Appointments met earlier this evening and make recommendations to the following boards and commissions, to be voted on at the next Council Meeting:

1. River District Design Commission;
2. Danville Redevelopment and Housing Authority
3. West Piedmont Planning District Commission.

NEW BUSINESS

- A. Consideration of a Special Use Permit Application filed by Seven Diamonds LLC at 521 Bridge Street to Request Waiver of Maximum Density.
Council Letter Number CL - 1592.
 1. Public Hearing
 2. An Ordinance Granting Special Use Permit Application PZ24- 00421, filed by Seven Diamonds LLC, Requesting a Special Use Permit to Allow a Waiver of Maximum Density at Parcel 21485 (521 Bridge Street) in Accordance with Article 3.L. Section C. Item 13.
- B. Consideration of a Special Use Permit Application filed by Tremell Jeffries to Allow an Indoor Commercial Recreation Establishment at 750 Main Street.
Council Letter Number CL - 1591.
 1. Public Hearing

2. An Ordinance Granting Special Use Permit Application PZ24- 00358, filed by Tremell Jeffries, Requesting a Special Use Permit to Allow an Indoor Commercial Recreation Establishment (Commercial Kitchen) at Parcel 26402 (750 Main Street) in Accordance with Article 3.K. Section C Item 5.

C. Consideration of Authorizing and Approving a Lease Agreement with the Danville Museum of Fine Arts and History.

Council Letter Number CL - 1122.

1. Public Hearing
2. A Resolution Approving and Authorizing the Lease Agreement Providing for the Lease, Use, and Occupancy of the Sutherlin Mansion by the Danville Museum of Fine Arts and History for a Term of Fifteen (15) Years and Authorizing the City Manager to Execute the Same on Behalf of the City.

D. Consideration of Proposed City of Danville Charter Amendments.

Council Letter Number CL - 1590.

1. Public Hearing
2. A Resolution Requesting that the General Assembly Amend the Charter of the City of Danville, Virginia.

E. Consideration of Authorizing and Approving the Transfer of Ownership of Thirty-Seven Surplus Vacant Lots to the Danville Redevelopment and Housing Authority.

Council Letter Number CL - 1498.

1. Public Hearing
2. A Resolution Declaring Certain City-Owned Property to be Surplus to the Needs of the City and Authorizing the City Manager to Convey Such Property to the Danville Redevelopment and Housing Authority.

F. Consideration of Financial Policies Update.

Council Letter Number CL - 1588.

A Resolution Approving and Amending the City of Danville Financial Policies to Change Item 4.1 Entitled "Unassigned & Unrestricted Fund Balances"; to Allow for an Increase of Minimum General Fund Balance from 20% to 25% of Annual Budgeted Revenues; as well as Other Revisions for Clarity and Alignment with Anticipated City Charter Changes.

G. Consideration of Amending the Fiscal Year 2025 Budget Appropriation Ordinance for an Aviation Promotion Grant.

Council Letter Number CL - 1564.

An Ordinance Amending the Fiscal Year 2025 Budget Appropriation Ordinance to Provide for a State Department of Aviation Grant for the Purpose of Providing Funding to Promote Aviation Awareness at the Danville Regional Airport in the Amount of \$5,000 and for the Local Share in the Amount of \$5,000 to be Provided by the General Fund Support of Grants for a Total Appropriation of \$10,000 and Appropriating Same.

First Reading

H. Consideration of Amending the Fiscal Year 2025 Budget Appropriation Ordinance to Provide Funds for the Housing Study Action Plan.

Council Letter Number CL - 1609.

An Ordinance Amending the Fiscal Year 2025 Budget Appropriation Ordinance to Provide

Funding from Unassigned General Fund Balance for the Housing Study Action Plan in the Amount of \$2,000,000 and Appropriating Same.

First Reading

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 - 1612

MEETING MINUTES A.

City Council REGULAR MEETING

Meeting Date: October 1, 2024

Subject: Approval of Meeting Minutes.

From: Susan DeMasi, City Clerk

COUNCIL ACTION

Consideration of Approval of Minutes of Regular Council Meeting held on September 3, 2024.

Attachments

1. Meeting Minutes
-

September 3, 2024

The Regular September meeting of the Danville City Council was held on September 3, 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 P. Mayo, Vice Mayor Gary P. Miller, J. Lee Vogler, Jr., and Madison J.R. Whittle (8). Sherman M. Saunders was absent (1). *Mr. Whittle entered the meeting at 7:01 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. Mayor Jones asked for a moment of silence for Council Member/Vice Mayor David Luther who passed away recently.

INVOCATION AND PLEDGE OF ALLEGIANCE

Council Member J. Lee Vogler, Jr., gave the Invocation followed by the Pledge of Allegiance.

ANNOUNCEMENTS AND SPECIAL PRESENTATIONS

Presentation of Fire Department ISO 1 Public Protection Classification

Presented By: Chief David Coffey

Chief Coffey gave a brief presentation to Council regarding the Danville Fire Department receiving an ISO 1 Public Protection classification; this was a re-evaluation that occurred every five years. The last inspection was conducted in 2019 and the Fire Department received a score of 92.5; this year the fire department received a score of 95.88. Chief Coffey noted this spoke volumes to the amount of work the men and women of the Danville Fire Department have done, and recognized those members who worked hard to make this happen. Council Members congratulated the Fire Department and commended them for the hard work and dedication to the City; Chief Coffey thanked Council for their support.

CONSENT AGENDA

Mayor Jones opened the floor for a Public Hearing regarding the Consent Agenda Items. Notice of the Public Hearing was published in the *Danville Register & Bee* on August 27, 2024. No one present desired to be heard.

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

Approval of Minutes from Regular Council Meeting held on August 6, 2024. Draft copies of the minutes had been distributed prior to the meeting.

Consideration of Amending the Fiscal Year 2025 Budget Appropriation Ordinance for a DCJS Grant for the Office of Violence Prevention

An Ordinance Entitled Ordinance No. 2024-08.09, 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.

September 3, 2024

Consideration of Amending the Fiscal Year 2025 Budget Appropriation Ordinance for a Virginia Department of Conservation and Recreation Grant for White Mill Dam Removal

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.

Consideration of Amending the Fiscal Year 2025 Budget Appropriation Ordinance for a Department of Criminal Justice JAG Grant to Purchase Equipment Shields

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.

Consideration of Amending the Fiscal Year 2025 Budget Appropriation Ordinance for a Department of Criminal Justice School Resource Officer Grant

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.

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

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

APPOINTMENTS

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

Resolution No. 2024-09.01 - A Resolution Reappointing Paul Liepe to the Commission of Architectural Review.

Resolution No. 2024-09.02 - A Resolution Appointing Luke Ramsey to the Commission of Architectural Review.

Resolution No. 2024-09.03 - A Resolution Reappointing Tyrell Payne to the Community Improvement Council.

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

VOTE: 8-0-1

September 3, 2024

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

NEW BUSINESS

CONSIDERATION OF A SPECIAL USE PERMIT APPLICATION FILED BY 400 BRIDGE LLC AT 400 BRIDGE STREET (PARCEL 21490) TO REQUEST WAIVER OF MAXIMUM DENSITY

Mayor Jones opened the floor for a Public Hearing regarding a Special Use Permit at 400 Bridge Street. Notice of the Public Hearing was published in the *Danville Register & Bee* on August 20, 2024, and August 27, 2024.

Mayor Jones recognized Adam Vaught, representing 400 Bridge LLC, who appeared before Council to ask for their consideration in changing the zoning so that the project could move forward. This project was twenty-five units, a mixture of one and two bedrooms, and will be finished in the early summer next year. No one further desired to be heard and the Public Hearing was closed.

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

ORDINANCE NO. 2024-09.01

AN ORDINANCE GRANTING SPECIAL USE PERMIT APPLICATION PZ24-00331, FILED BY 400 BRIDGE LLC, REQUESTING A SPECIAL USE PERMIT TO ALLOW A WAIVER OF MAXIMUM DENSITY AT PARCEL 21490 (400 BRIDGE STREET) IN ACCORDANCE WITH ARTICLE 3.L. SECTION C ITEM 13.

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

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

CONSIDERATION OF AMENDING THE FISCAL YEAR 2025 BUDGET APPROPRIATION ORDINANCE FOR OLDER AMERICANS ACT GRANT FUNDING IN THE AMOUNT OF \$422,447

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

ORDINANCE NO. 2024-09.02

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.

September 3, 2024

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 STATE AVIATION CAPITAL FUNDING

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

ORDINANCE NO. 2024-09.03

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.

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

COMMUNICATIONS FROM VISITORS

Mayor Jones recognized Sue Ellen Lawton, 137 Holbrook Avenue who addressed Council stating that she knew the Director of the DAHS was a deeply compassionate person who has witnessed horrific animal abuse but feared she has forgotten there were so many more loving pet parents than there were abusers. Ms. Lawton discussed the Community Cats Program in Baltimore, facilitated by Best Friends, who provided free TNVR services, acknowledged the life of community cats may be challenging and they may get hurt by predators or vehicles, but the same can be said for squirrels and raccoons or even people.

Mayor Jones recognized Katherine Wall, 127 Fairway Drive, who addressed Council about the need to update the software program in the Utilities Department; when citizens call, the phone just rings, the maps were not always correct either and thinks they need to be updated. Ms. Wall suggested possibly taking the money out of reserves to update it or use casino money. Ms. Wall thanked all the employees that pick-up trash and yard waste, they work hard, even on the holidays.

Mayor Jones recognized Amanda Cottrell, 2172 Hillside Road, Ringgold, who noted she has worked at DAHS for a little over seven years; she was the head animal caretaker there. Ms. Cottrell stated she wished the people who criticized the shelter would come spend a week working beside them; they probably wouldn't be as willing to pass judgment on the shelter. They assume that every animal they euthanized was adoptable and that was not true; animals come to them damaged physically or emotionally and they cannot be adopted out. They were excited when their adoption partners do a transfer from them and they thank them for that; the ones they take were the ones that can find homes easily: small dogs, purebred dogs and cats. Their shelter was full of pit bulls, hound dogs and other large dogs today; those breeds were great, but the reality was that it was harder for them to find homes.

Mayor Jones recognized Aaron Stainback who addressed Council noting he has been volunteering at the DAHS for about five years and did not always think highly of them; one of the main reasons he wanted to become a volunteer was to hopefully make a difference and get the word out for more people to adopt and foster, and hoped to help with the euthanasia rate. Ms.

Dean explained to him that they were not a “no kill shelter;” in order for them to become a no kill shelter, they would have to turn animals in need away; those would most likely end up on the street. They never turn any animals away. The main things they needed to push was for more people to adopt, to foster, and more people to volunteer. He started taking pictures of each cat and dog, putting them on the website and Facebook and eventually became a member of the board. Mr. Stainback encouraged citizens to volunteer and see what they could do to help: Adopt, Foster, Volunteer. They need to stop the hate, stop the drama, stop the hurtful comments and start working together. They all have the same goal, to save animals.

COMMUNICATIONS

City Manager Ken Larking noted his agreement with what Chief Coffey said earlier about giving credit to the Council for the resources that were provided to all City departments, and the Fire Department in particular. Without the resources that were allocated through the budget process it would be very difficult for the Fire Department to reach an ISO 1 rating.

City Attorney Clarke Whitfield noted his condolences to the family of Vice Mayor T. David Luther.

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

Council Member Mayo noted his condolences to the family of Vice Mayor Luther. Mr. Mayo stated this past weekend was wonderful, celebrating a 40-year class reunion, the 1984 George Washington High School Eagles.

Vice Mayor Miller noted David Luther was in broadcasting for 60 years; he was on Council when Dr. Miller was on Council; he mentored him and others. He did so much for the community; Danville was a better place when David Luther was there. Dr. Miller noted Mary's Diner closed after 73 years in business in Danville, and today he took a tour with the project manager who showed him around the different schools. They were building these schools for the future.

Council Member Vogler expressed his condolences to the family of David Luther and that Council was praying for them. This Friday was the home opener for the GW Football Eagles; if citizens haven't been to the football stadium in a while, the changes were unbelievable and encouraged them to come to the game and support the students. Mr. Vogler thanked all the City employees, especially those who work on the holidays.

Council Member Whittle noted he was glad the City paid for the training for the firefighters. Mr. Whittle noted Ralph Rynes was having a giveaway on Sunday at 420 Wilson Street, 3-5 p.m., and encouraged citizens to check it out. Mr. Whittle noted his condolences to the Luther family.

Council Member Buckner noted his agreement with what has been said about David Luther, he was a great man; he left behind a great legacy. Mr. Buckner thanked Mr. Luther's family and he will be missed.

Council Member Campbell noted he had the experience of being on Council with David Luther, was on the nominating committee for Boards and Commissions as well; they were both also in radio and had a relationship based on that. Rev Campbell asked the City Manager why a citizen cannot get a hotel room in the City and Mr. Larking noted it was his understanding that some hotels have a rule that says if someone lives within a certain distance of the hotel, they will not let the citizen get a room. There were probably a variety of reasons for that and has heard that the hotels were concerned if it was a local person, that they were using the rooms for a party that the

September 3, 2024

operators would prefer not happen. The City does not have any way to control what the owner of the hotel does or doesn't do, there was no regulation on that. Mr. Larking noted that they have had situations where if there has been a weather event and an outage, staff will reach out to operators and let them know they have local citizens who could use a room; hotels have been lenient in those cases but it does require some interaction to make that happen.

Council Member Hood noted his condolences to the Luther and Brandon families on the passing of their loved ones. A shout out to the work of the Danville City Fire Department, and acknowledged a Danville native and Danville Public School graduate, former Miss Black Teen Danville and former Miss Black Teen World, Angela Redmond. She reached a significant milestone by receiving an RIAA Platinum Certification for over 1M albums sold, as she was the feature artist on platinum music artist Jay-Z single, *Feeling It*.

Mayor Jones noted David Luther and Corey cannot hear the wonderful things that have been said tonight, but to their families, he hoped they heard it. David was one of the Council Members who, when they had an appointed school board, was the person who appointed the Mayor to the School Board. To Corey's family, he was one of the nicest young men, and to both David and Corey's family, they will be truly missed. GW Football kicks off on Friday night and Averett Football on Saturday night and encouraged citizens to come out.

ADJOURNED: 8:06 p.m.

APPROVED:

MAYOR

ATTEST:

CITY CLERK

Council Letter
City of Danville, Virginia



CL - 1613

APPOINTMENTS A.

City Council REGULAR MEETING

Meeting Date: October 1, 2024

Subject: Appointment Recommendations.

From: Susan DeMasi, City Clerk

COUNCIL ACTION

The Committee on Appointments met earlier this evening and make recommendations to the following boards and commissions, to be voted on at the next Council Meeting:

1. River District Design Commission;
2. Danville Redevelopment and Housing Authority
3. West Piedmont Planning District Commission.

Attachments

None

Council Letter City of Danville, Virginia



CL - 1592

NEW BUSINESS A.

City Council REGULAR MEETING

Meeting Date: October 1, 2024

Subject: Special Use Permit Application at 521 Bridge Street.

From: Renee Burton, Division Director of Planning

COUNCIL ACTION

1. Public Hearing
2. An Ordinance Granting Special Use Permit Application PZ24- 00421, filed by Seven Diamonds LLC, Requesting a Special Use Permit to Allow a Waiver of Maximum Density at Parcel 21485 (521 Bridge Street) in Accordance with Article 3.L. Section C. Item 13.

SUMMARY

The applicant, Seven Diamonds, LLC, is requesting a Special Use Permit for a waiver of density in accordance with Article 3.L Section C Item 13 at 521 Bridge Street. 521 Bridge Street is a 0.34 acre parcel that contains a three-story brick structure with parking in the rear.

Article 3.L. Section C Item 13 states that the maximum density for a development in the TW-C, Tobacco Warehouse Commercial zoning district is 24 units per net acre for multifamily residential. The applicant is requesting to create a multifamily complex with 21 apartments along with common-use space. The maximum density of a 0.34 acre parcel in the TW-C district is eight (8) units. This request exceeds the maximum density allowed. Therefore, a waiver must be granted for the project.

Adaptive reuse of existing structures in the River District for multifamily dwelling units is common and compatible with the 2030 Comprehensive Plan.

Thirty-eight (38) notices were sent out to property owners within three hundred (300) feet. Two (2) notices were received. One (1) was opposed, one (1) was unopposed.

On September 9, 2024, the City Planning Commission voted 7-0 to recommend approval of Special Use Permit PZ24-00421 to allow a waiver of maximum density in accordance with Article 3.L Section C Item 13 at 521 Bridge Street (Parcel ID 21485) with the following condition:

1. The multi-family redevelopment at 521 Bridge Street may contain no more than twenty-five (25) units.

RECOMMENDATION

It is recommended that City Council adopt an Ordinance to grant a Special Use Permit to allow a waiver of maximum density in accordance with Article 3.L Section C Item 13 at Parcel ID 21485 (521 Bridge Street) with the following condition:

1. The multi-family redevelopment at 521 Bridge Street may contain no more than 25 units.

Attachments

1. Ordinance
 2. 521 Bridge Street - Application
 3. 521 Bridge Street - Agents Letter
 4. 521 Bridge ALTA 1-27-21
 5. 521 Bridge Street - Drawings
 6. 750 Main St Aerials Map
 7. 750 Main St Owners Zoning Map
 8. 750 Main St Land Use Map
 9. Planning Commission Recommendation
-

PRESENTED: _____

ADOPTED: _____

ORDINANCE NO. 2024-____.____

AN ORDINANCE GRANTING SPECIAL USE PERMIT APPLICATION PZ24-00421, FILED BY SEVEN DIAMONDS LLC, REQUESTING A SPECIAL USE PERMIT TO ALLOW A WAIVER OF MAXIMUM DENSITY AT PARCEL 21485 (521 BRIDGE STREET) IN ACCORDANCE WITH ARTICLE 3.L. SECTION C. ITEM 13.

NOW THEREFORE, BE IT ORDAINED by the Council of the City of Danville, Virginia, that the report of the Planning Commission recommending approval of Special Use Permit Application PZ24-00421, filed by Seven Diamonds LLC, requesting a Special Use Permit to allow a waiver of maximum density at Parcel ID 21485 (521 Bridge Street) in accordance with Article 3.L., entitled "TW-C, Tobacco Warehouse District", Section C., entitled "Uses Permitted by Special Use Permit" Item 13., entitled "Waiver of maximum density" of Chapter 41, entitled "Zoning Ordinance" of the Code of the City of Danville, Virginia, 1986, as amended, be, and the same is hereby, received; with the following condition:

1. The multi-family redevelopment of 521 Bridge Street may contain no more than twenty-five (25) units.

AND BE IT FURTHER ORDAINED that in consideration of said report and the public hearing this day held by Council, Special Use Permit Application PZ24-00421, filed by Seven Diamonds LLC, requesting a Special Use Permit to allow a waiver of maximum of density at Parcel ID 21485 (521 Bridge Street) in accordance with Article 3.L. Section C Item 13, is hereby granted and approved with the following condition:

1. The multi-family redevelopment of 521 Bridge Street may contain no more than twenty-five (25) units.

Approved:

Mayor

Attest:

City Clerk

Approved as to
Form and Legal Sufficiency:

City Attorney



CITY OF DANVILLE

Community Development Division of Planning and Zoning

SPECIAL USE PERMIT APPLICATION

Article 6. Section D. Application Requirements for Special Use Permit.

1. *An application for a special use permit shall be made by the owner, contract purchaser with the owner's written consent, or the owner's agent, of the property on which the proposed use is to be located. The application shall be submitted to the Director of Planning/Zoning Administrator and shall be accompanied by the filing fee of \$400.00.*
2. *If the request for a special use permit has been denied by the City Council, a request in substantially the same form shall not be resubmitted within one (1) year of the date of denial.*

PLANNING DIVISION PROVIDED INFORMATION

Application #: _____ PC Meeting Date: _____
Date Received: _____ Received By: _____
Parcel ID: _____ Address: _____
Existing Zoning _____ Future Land Use: _____

APPLICANT PROVIDED INFORMATION

Property Location (address/ID#): **521 BRIDGE STREET, PARCEL ID # 21485**

Applicant: **SEVEN DIAMONDS LLC** (Property Owner) (Contact: **Teju Patadia**)

Applicant's Address: **2835 MATTHEW DRIVE, VINTON, VA**

Applicant's Phone Number: **(540) 467-6394**

Applicant's E-mail: **tdpstores@gmail.com**

Applicant's Signature: _____

Date: 08/12/24

PLEASE ATTACH THE FOLLOWING:

1. A preliminary site plan in accordance with the Site Plan Regulations.
2. A description of the proposed use and, where applicable, the hours of operation and the proposed number of employees/patrons.
3. A written statement of proposed project compatibility with the following:
 - A) The Comprehensive Plan.
 - B) The applicable zoning district.
 - C) The surrounding properties.
 - D) Current and future neighborhood conditions.
 - E) Pedestrian and vehicular traffic patterns, on-site and off-site.
 - F) Adequate public facilities.
4. When requested by the Director of Planning/Zoning Administrator, the Planning Commission, or the City Council, the following information shall be provided by the applicant:
 - A) The architectural elevations and floor plans of proposed building(s).
 - B) Traffic impact analysis.
 - C) Fiscal impact analysis.
 - D) Parking and site circulation analysis.
 - E) Photographs of property and surrounding area.
 - F) Environmental impact statement.

Special Use Permit Narrative:
521 Bridge Street Renovation

Developer/Applicant/Property Owner:

Seven Diamonds LLC
Contact: Teju Patadia
2835 Matthew Drive
Vinton, Virginia 24179

Agent:

Balzer & Associates, Inc.
Contact: Robert W. Pilkington
1208 Corporate Circle
Roanoke, Virginia 24018
Phone : 540-772-9580

Introduction:

On behalf of the developer (Seven Diamonds LLC – the “Developer”), we are requesting a Special Use Permit for 521 Bridge Street (Tax Parcel # 21485) in the Tobacco Warehouse District (in the “River District”) in the City of Danville for the renovation and redevelopment of an existing historic building for use as residential apartments. The building will include a total twenty-one (21) residential apartments, with a total of approximately thirty-six (36) bedrooms (exact layout of each unit still being determined), along with circulation space (stairs and elevator) and common use space for gym/exercise room and tenant storage. The special use request allows for the redevelopment of the building and parcel at a higher density rate for multi-family residential units than current zoning allows, which appears to be consistent with other historic buildings in the Tobacco Warehouse District and is a priority of the City of Danville to meet increasing demand and respond to housing shortages within the community.

Additionally, the proposed renovation and redevelopment of the property does not include or anticipate any exterior site improvements (other than utility connections to the building), as the existing site includes parking and handicap accessible entry to the building. As such, the only exterior modifications to the building are anticipated to be additional windows on the west side of the building, which the Developer understands must also be reviewed and approved by the City of Danville River District Design Commission (RDDC).

Please note, the Developer will be redeveloping this property utilizing Historic Renovation Tax Credits as administered by the Commonwealth of Virginia’s Department of Historic Resources (VDHR).

Parcel being requested for Special Use Permit:

1. Existing Parcel ID: 21485 (0.344 acres)
 - a. Existing Zoning: TW-C (Tobacco Warehouse Commercial District)
 - b. Current Allowed Density for Multi-Family Residential: (24) units per acre.
 - c. Requested Density for Multi-Family Residential: (61) units per acre.

Project Exhibits for Reference contained within the application package:

Exhibit A: Survey of the Property, dated 1/27/2021
Exhibits B-1 to B-10: Schematic Architectural Drawings

The Developer is excited to share its vision and investment in the City of Danville with this renovated building. The intent of the project is to further reinforce and support the City of Danville Housing Strategy to provide much needed housing within City limits to support the continued community growth and to match similar redevelopment / adaptive reuse within the Tobacco Warehouse District.

Community Design:

Exhibits A and B indicate the redeveloped property is part of the Tobacco Warehouse District. The existing building is currently accessed via entry door directly from the public sidewalk at Bridge Street and via handicap ramp and entry door from the private parking lot at the rear (northeast side) of the building. The private parking lot is accessed from the large public parking lot along the river on the northeast side of the parcel.

The proposed project includes the following community highlights:

- Fifteen (15) private parking spaces (*See Exhibit A*) along with direct access to public parking spaces.
- Twenty-one (21) total residential apartment units (*See Exhibit B*)

Architecture:

The existing building was previously used as the Old Belt Tobacco Storage Warehouse #2. The existing building is 3-level brick masonry building (two stories above grade plus a walk-out basement) as shown on Exhibits B-4 and B-5. The existing building is approximately 7,540 s.f. per floor, for a total of 22,620 s.f. The existing building was constructed in approximately 1935 (according to City of Danville GIS) and is characteristic of similar buildings in the Tobacco Warehouse District. Proposed modifications to the building exterior (new exterior windows on the west side of building only) have been designed to provide appropriate building patterns, materials, and styles to be similar to other faces of the building, but are distinctly different to differentiate between “historic” windows and new windows. This approach is to meet current interpretations of VDHR in regards to the US National Park Service’s Guidelines to the renovation of historic buildings.

Comprehensive Plan Conformance:

This project is consistent with many of the guiding goals outlined in the City of Danville’s 2030 Comprehensive Plan. Some of the most impactful goals incorporated into this project include appropriate land use to accommodate new residents, adaptive re-use of historic property in the Tobacco Warehouse District, promote opportunities for a wide range of housing types, and promote the economic development base for the community. Based on other redevelopment projects in the Tobacco Warehouse District and specifically along Bridge Street, this project is an appropriate use.

Adjacent Property and Neighborhood Context:

The property is bordered to the east by another historic building of similar architectural character, currently used as office space; bordered on the south by Bridge Street; bordered on the north by a large public parking lot (adjacent to the Dan River) owned by the City of Danville; and bordered on west by a parking lot owned by the Industrial Development Authority of Danville. All adjacent properties appear to be in the Tobacco Warehouse District and currently zoned as TW-C.

Transportation: Vehicular & Pedestrian

Based on there being no proposed exterior site changes to the property for this building redevelopment, and with the building already provided with adequate pedestrian and vehicular access, no impacts to current pedestrian and vehicular traffic patterns are anticipated.

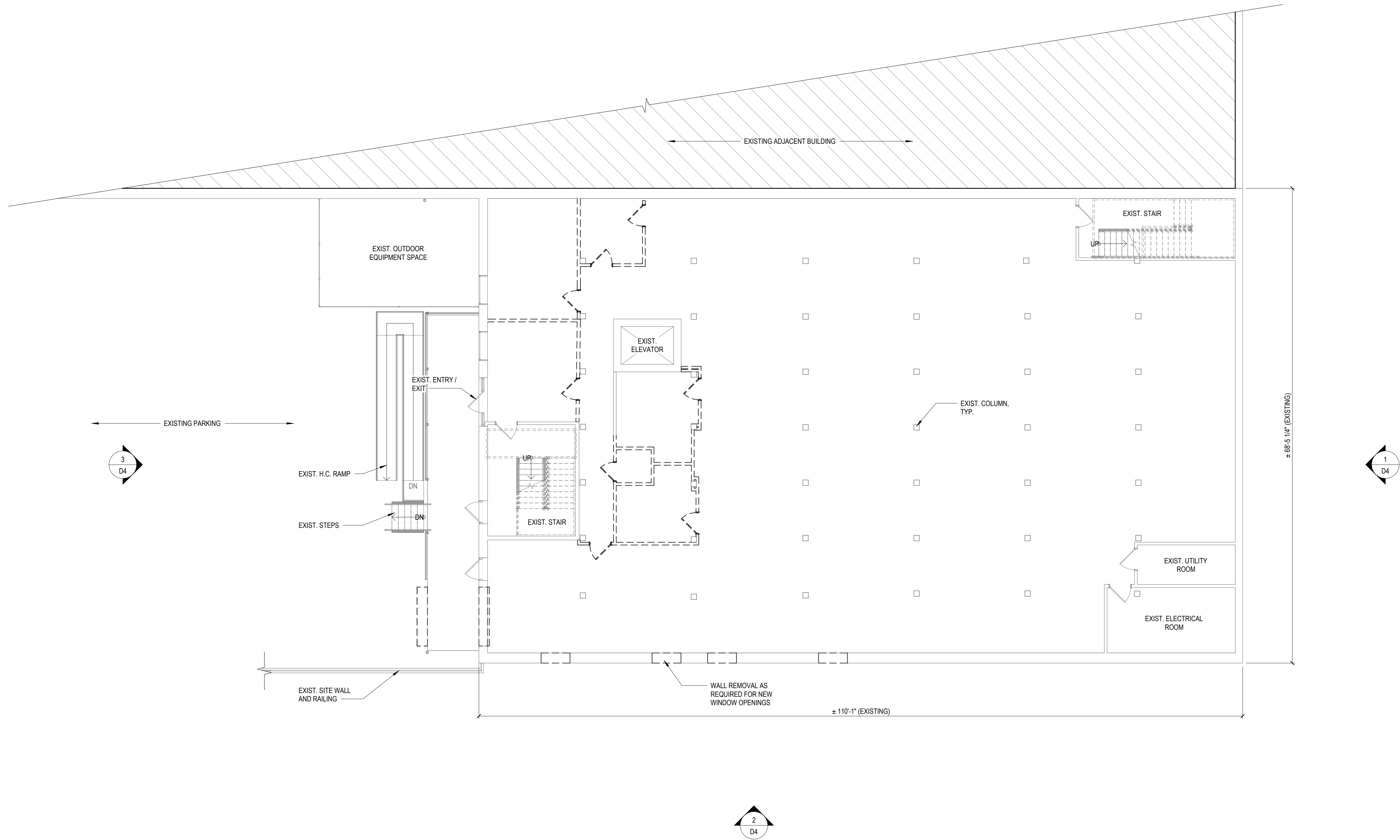
Utilities:

The FEMA defined floodplain appears to be located on the northeast portion of this property. Public Sanitary Sewer and Public Waterlines are already provided to the building from public utilities at Bridge Street. It is anticipated that new domestic water service and fire suppression water service will be required for the building and are anticipated to be extended directly from the existing public utilities within Bridge Street.

Summary & Justification:

We are requesting approval of this Special Use Permit as this project will allow for redevelopment of a currently vacant “historic” building, allowing the Developer to fully maximize the redevelopment potential of the existing building. Historic buildings such as this typically have limited redevelopment potential, and based on the provided Architectural Schematics exhibits, the building has the potential for more residential units than current zoning allows. Maximizing the number of residential dwelling units helps to meet the intent of the City’s Comprehensive Plan specific to the Tobacco Warehouse District and provides quality housing options for residents of the City of Danville to support its emphasis as a great place to live and world class community.

- Page 22 of 153



- NOTES:**
1. ALL ITEMS SHOWN AS DASHED ARE TO BE REMOVED
 2. ALL SOLID LINE ITEMS SHOWN ARE EXISTING UNLESS NOTED OTHERWISE

PRELIMINARY
NOT FOR CONSTRUCTION

521 BRIDGE STREET
HISTORIC RENOVATION AND ADAPTIVE RE-USE
EXISTING / DEMOLITION FIRST FLOOR PLAN

521 BRIDGE STREET
DANVILLE, VA 24541

DRAWN BY: MEA
DESIGNED BY: RWP, MEA
CHECKED BY:
DATE: 08/12/2024
SCALE: 1/8" = 1'-0"
REVISIONS:

EXISTING / DEMOLITION FIRST FLOOR PLAN
1 D1 1/8" = 1'-0"

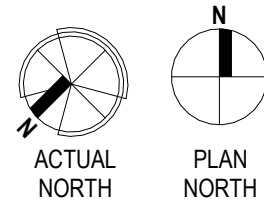
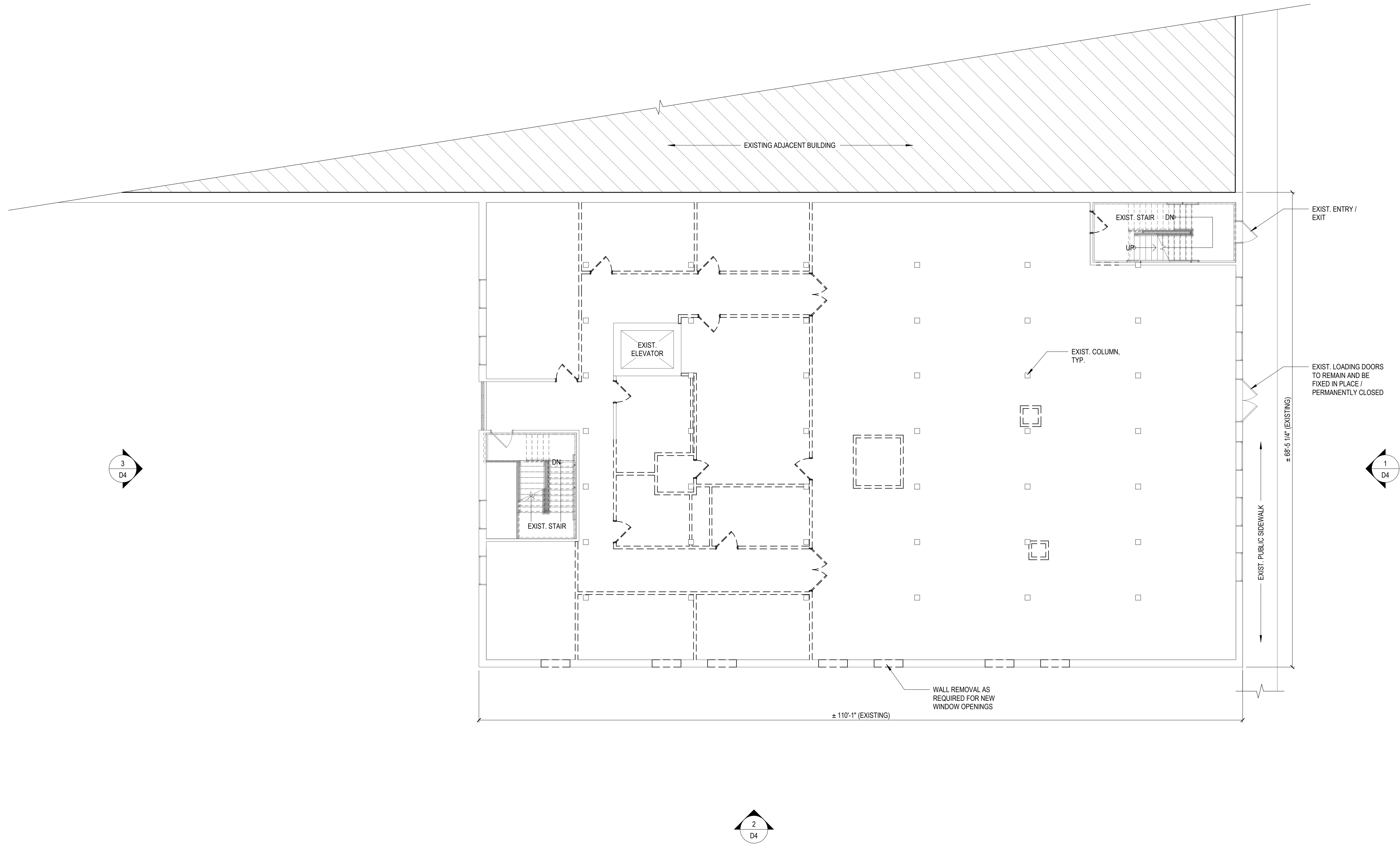


EXHIBIT B-1

D1



NOTES:
1. ALL ITEMS SHOWN AS DASHED ARE TO BE REMOVED
2. ALL SOLID LINE ITEMS SHOWN ARE EXISTING UNLESS NOTED OTHERWISE

1
D2
EXISTING / DEMOLITION SECOND FLOOR PLAN
1/8" = 1'-0"

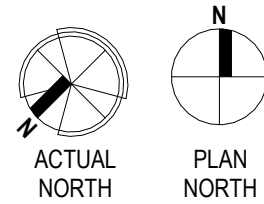
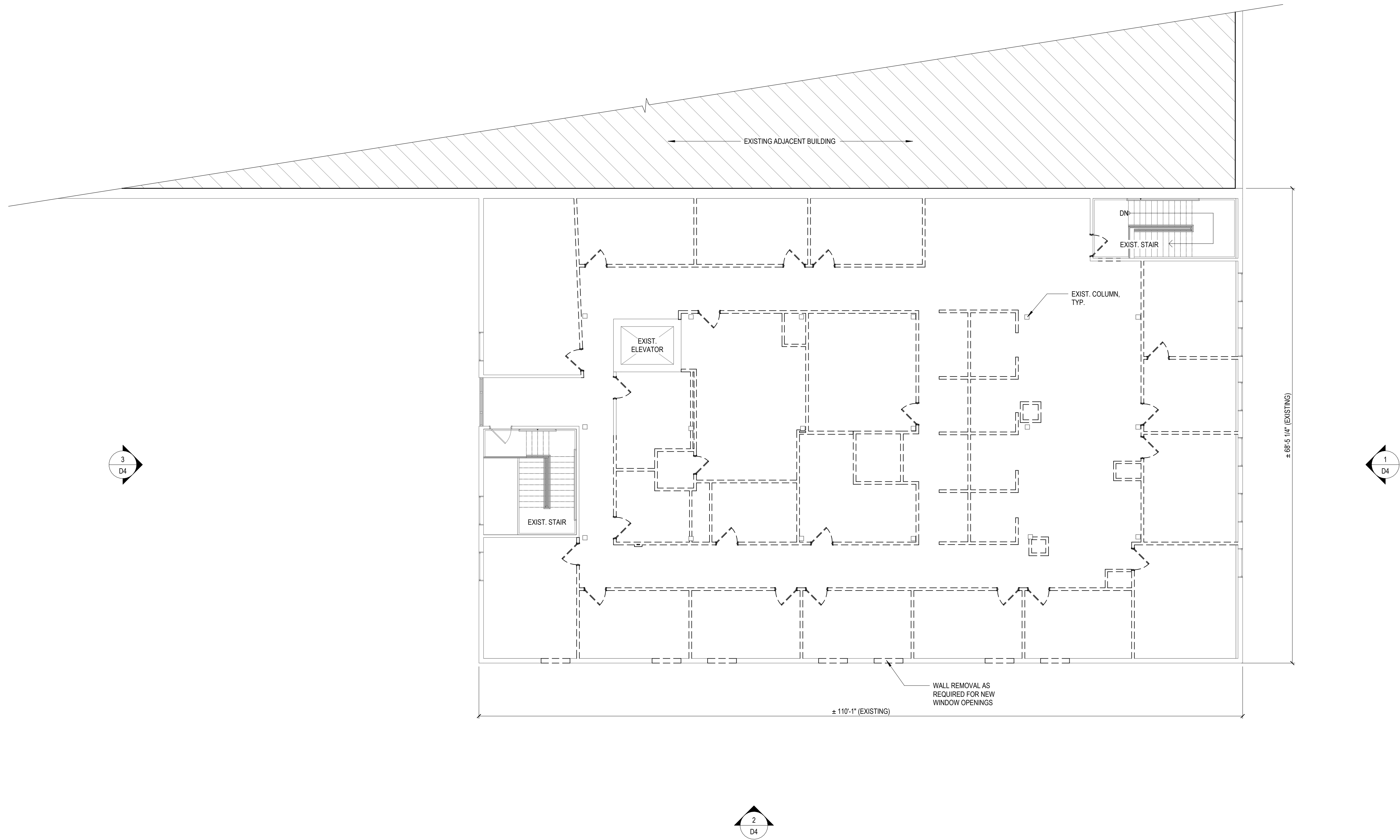


EXHIBIT B-2

J:\000\03240022.00 BRIDGE ST - RENOVATION\ARCH\DWG\03240022.00 BRIDGE ST - RENOVATION.dwg 8/12/2024 3:35:16 PM



- NOTES:**
1. ALL ITEMS SHOWN AS DASHED ARE TO BE REMOVED
 2. ALL SOLID LINE ITEMS SHOWN ARE EXISTING UNLESS NOTED OTHERWISE

1
D3
EXISTING / DEMOLITION THIRD FLOOR PLAN
1/8" = 1'-0"

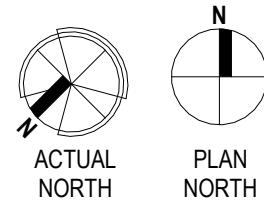


EXHIBIT B-3

NOTES:
1. ALL ITEMS SHOWN AS DASHED ARE TO BE REMOVED
2. ALL SOLID LINE ITEMS SHOWN ARE EXISTING UNLESS NOTED OTHERWISE

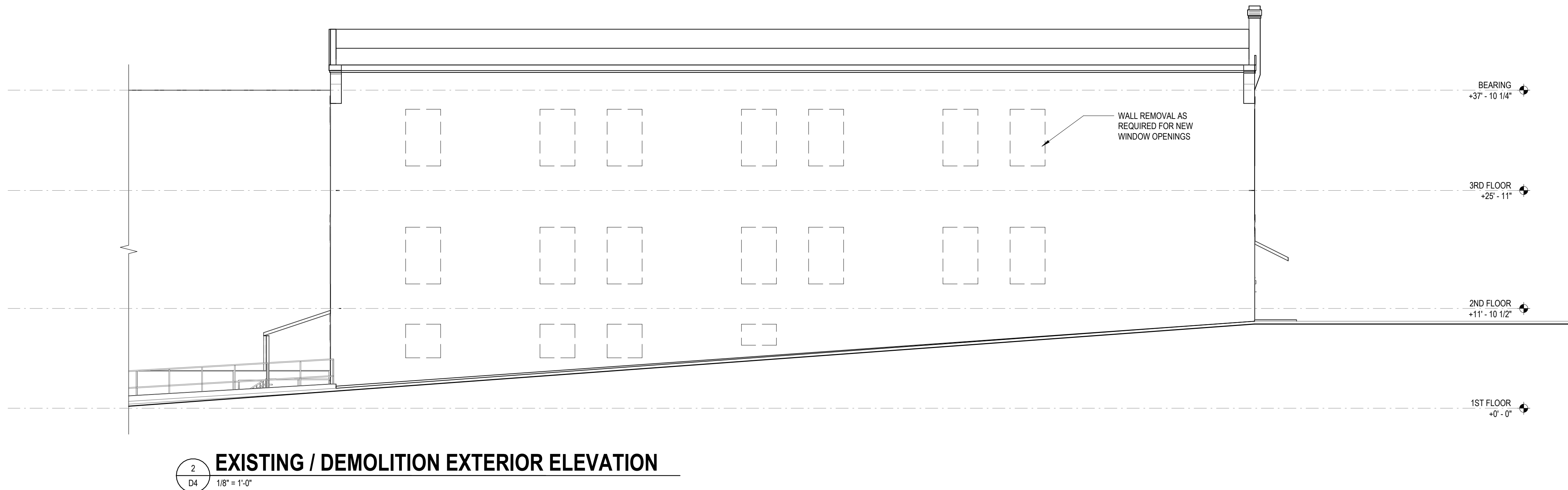
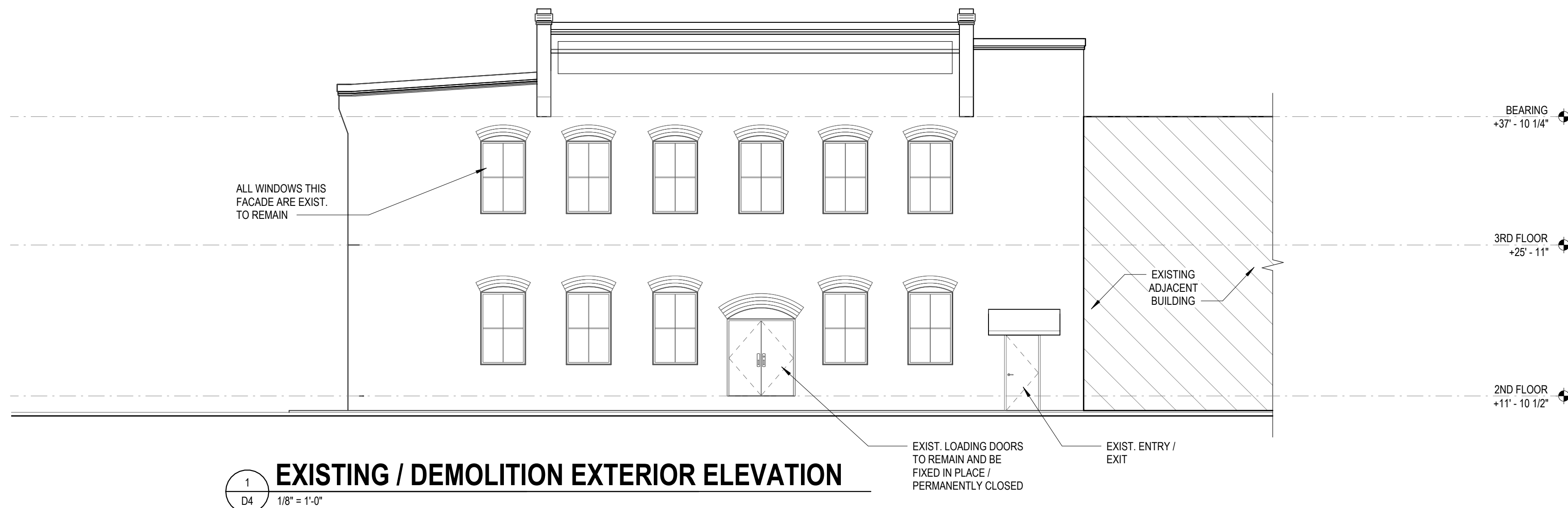
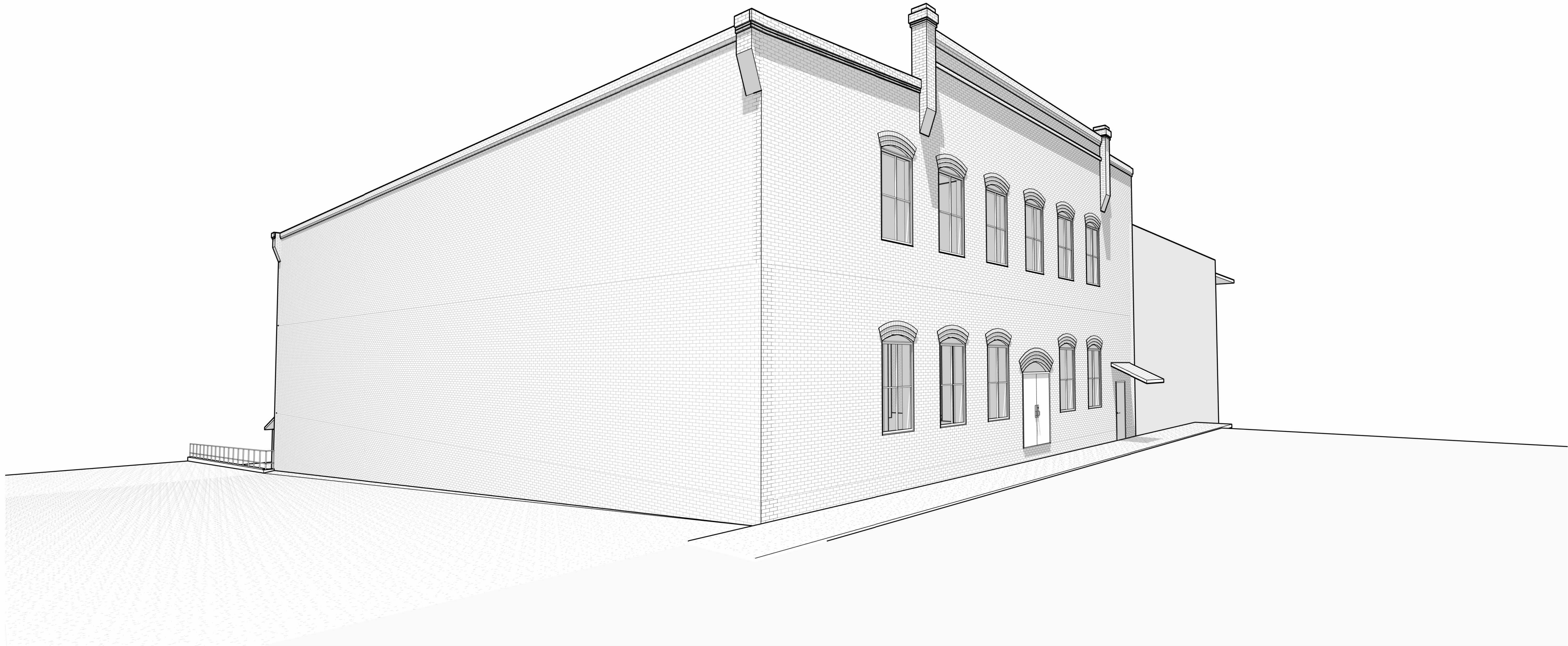


EXHIBIT B-4



1
D5

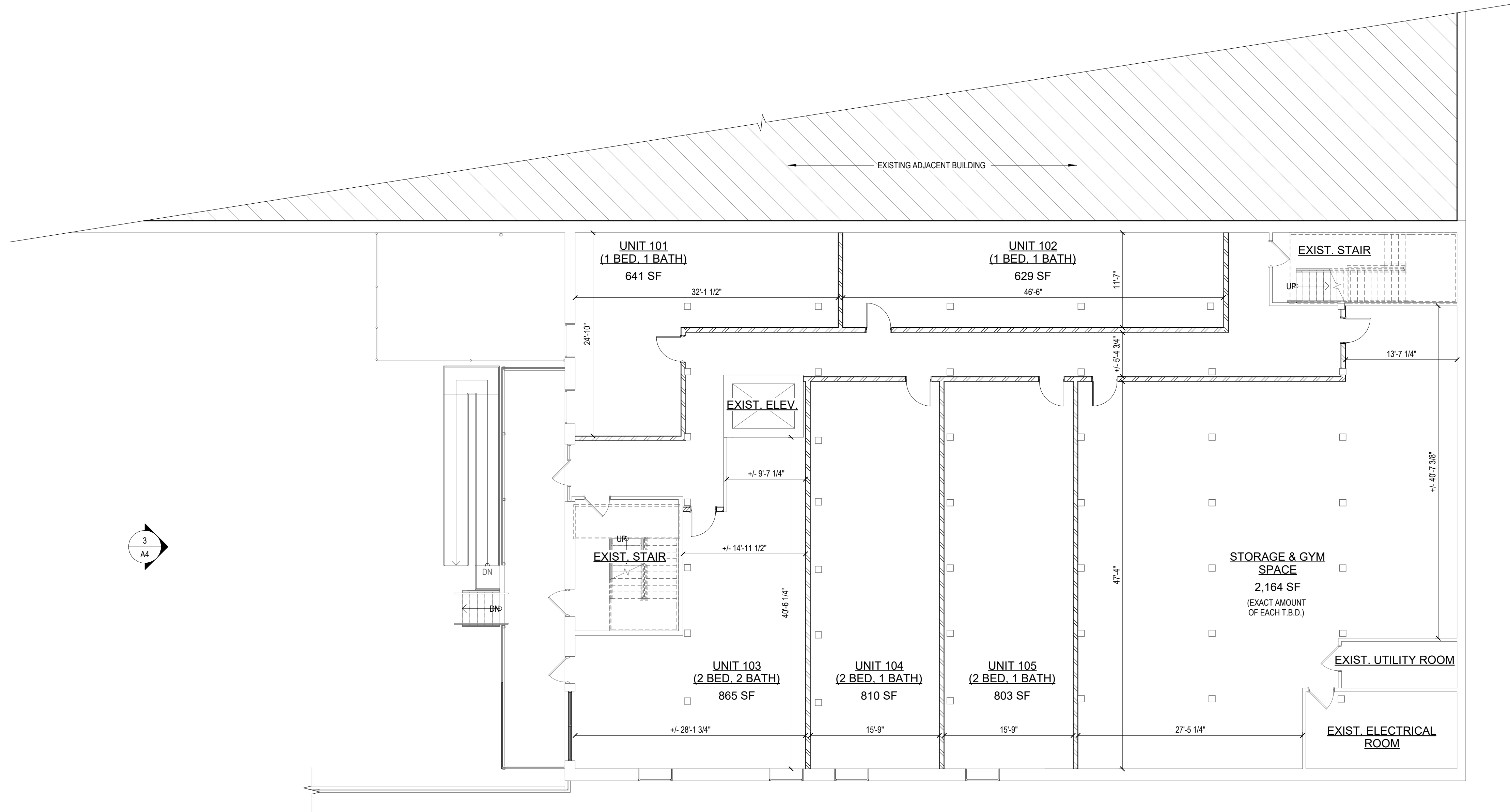
EXISTING EXTERIOR PERSPECTIVE



2
D5

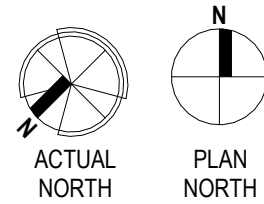
EXISTING EXTERIOR PERSPECTIVE

EXHIBIT B-5



(5) APARTMENT UNITS TOTAL THIS FLOOR

1
A1
RENOVATION FIRST FLOOR PLAN
1/8" = 1'-0"

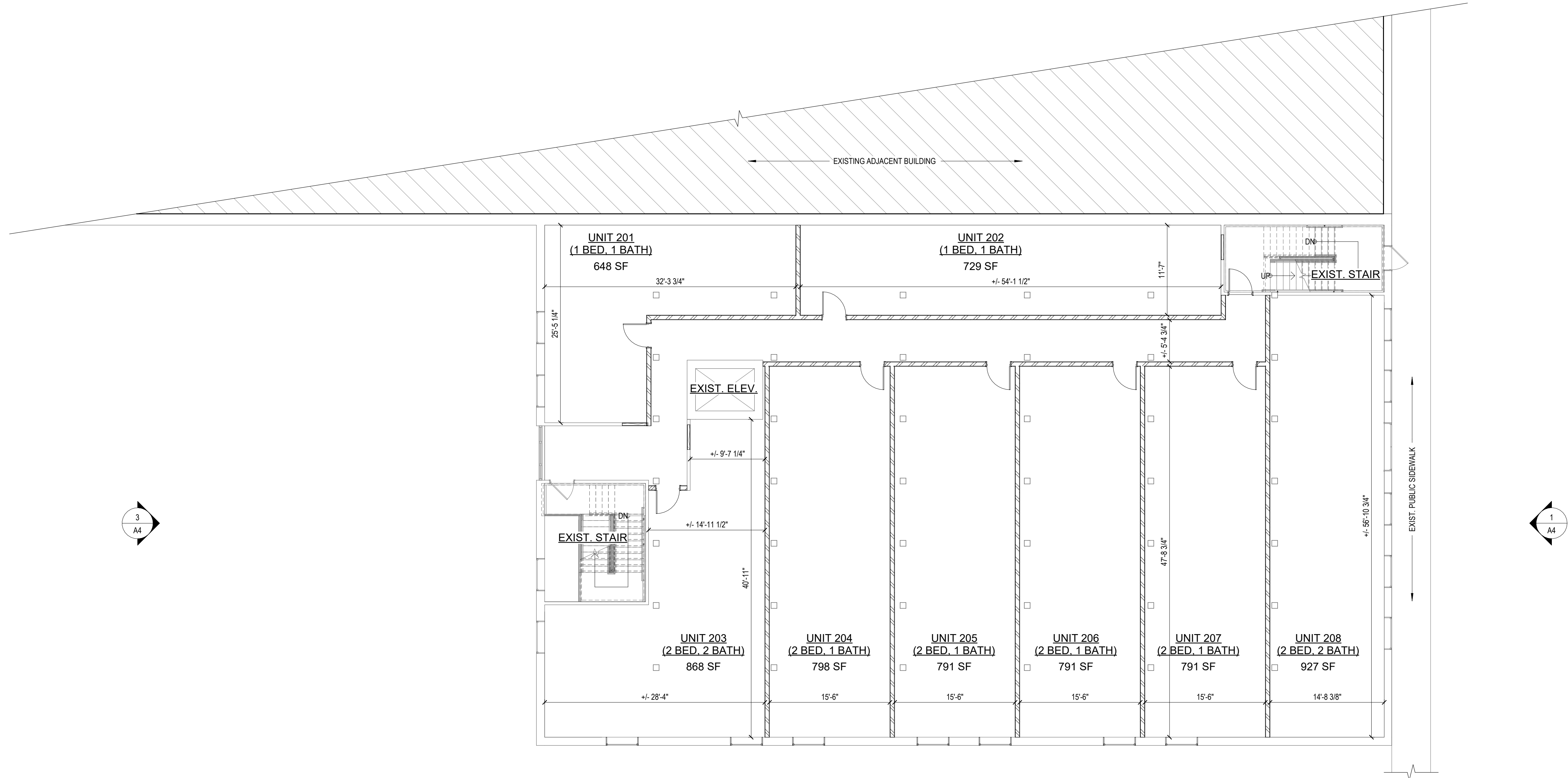


PRELIMINARY
NOT FOR CONSTRUCTION

521 BRIDGE STREET
HISTORIC RENOVATION AND ADAPTIVE RE-USE
RENOVATION FIRST FLOOR PLAN
521 BRIDGE STREET
DANVILLE, VA 24541

DRAWN BY MEA
DESIGNED BY RWP, MEA
CHECKED BY
DATE 08/12/2024
SCALE 1/8" = 1'-0"
REVISIONS

EXHIBIT B-6



1
A2
1/8" = 1'-0"

RENOVATION SECOND FLOOR PLAN

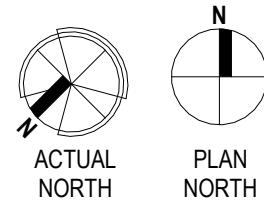


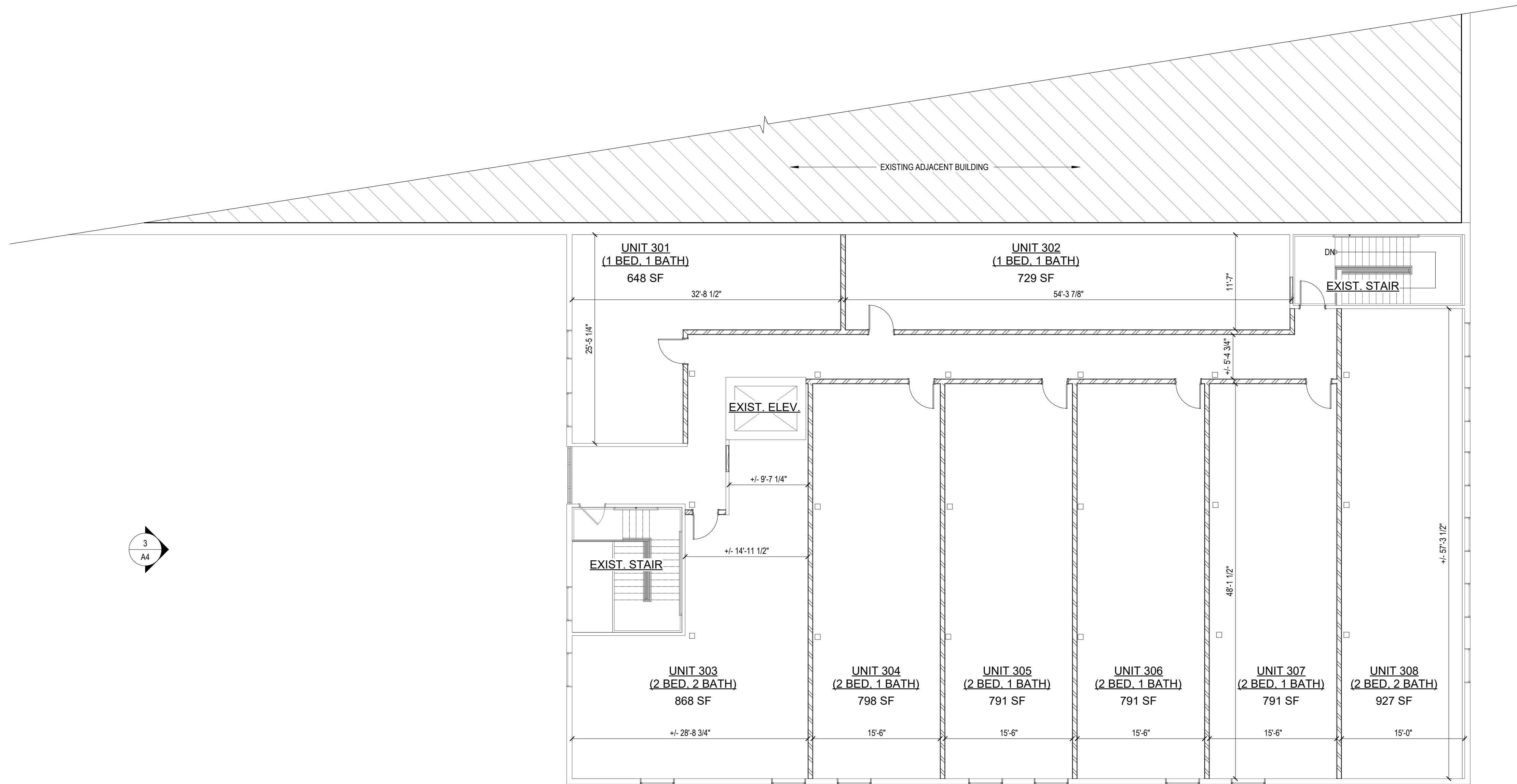
EXHIBIT B-7

PRELIMINARY
NOT FOR CONSTRUCTION

521 BRIDGE STREET
HISTORIC RENOVATION AND ADAPTIVE RE-USE
RENOVATION SECOND FLOOR PLAN

521 BRIDGE STREET
DANVILLE, VA 24541

DRAWN BY: MEA
DESIGNED BY: RWP, MEA
CHECKED BY:
DATE: 08/12/2024
SCALE: 1/8" = 1'-0"
REVISIONS:



1
A3
1/8" = 1'-0"

RENOVATION THIRD FLOOR PLAN

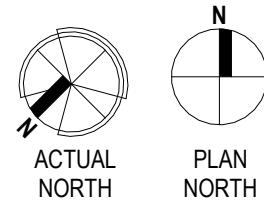
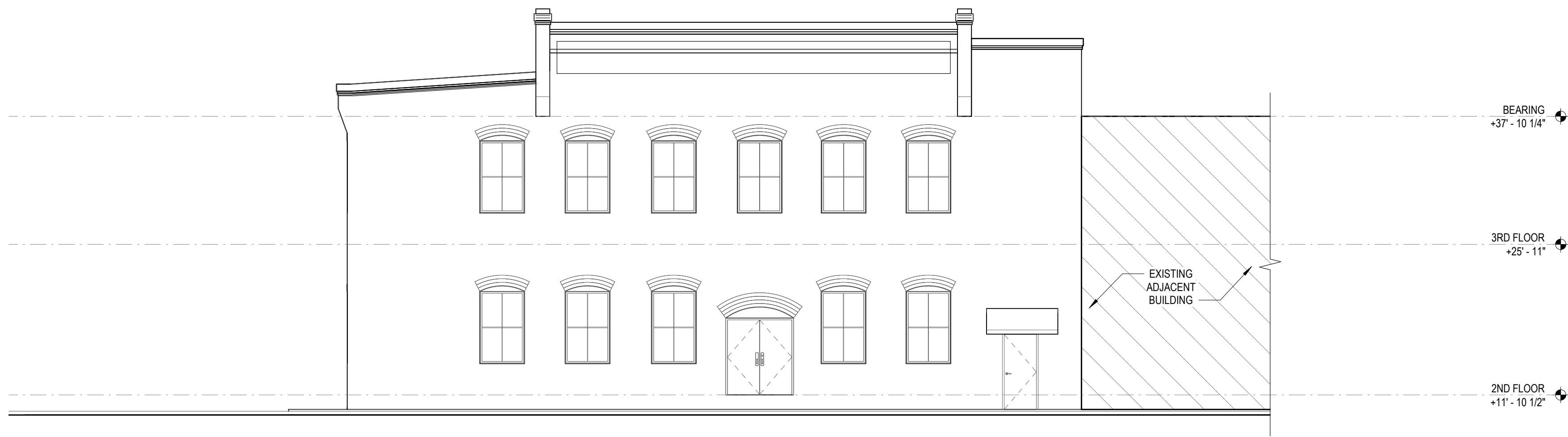
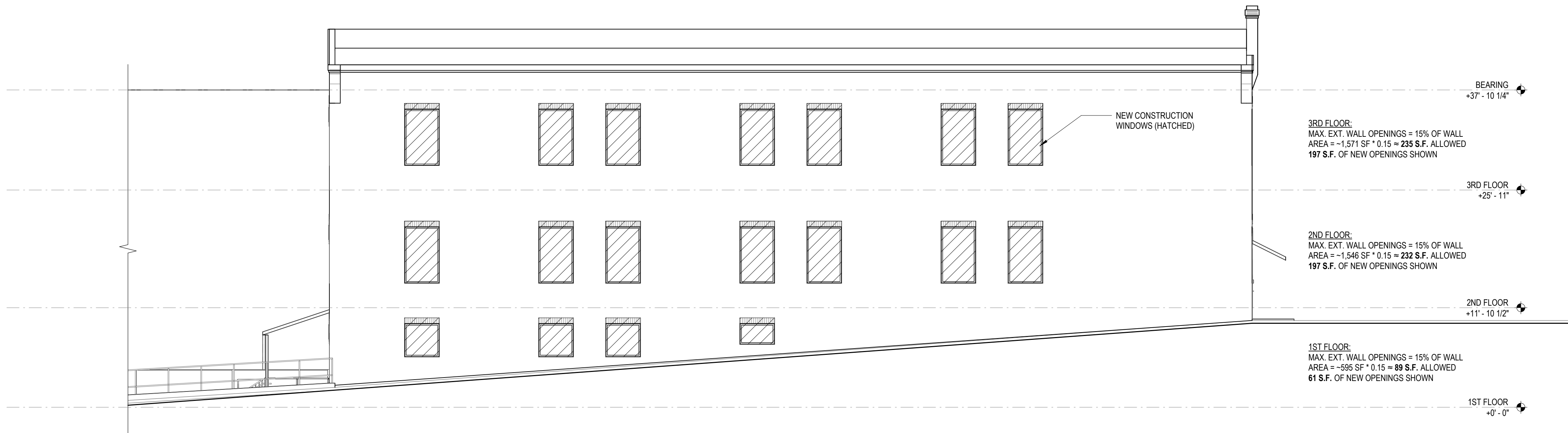


EXHIBIT B-8



1
A4
1/8" = 1'-0"

RENOVATION EXTERIOR ELEVATION



2
A4
1/8" = 1'-0"

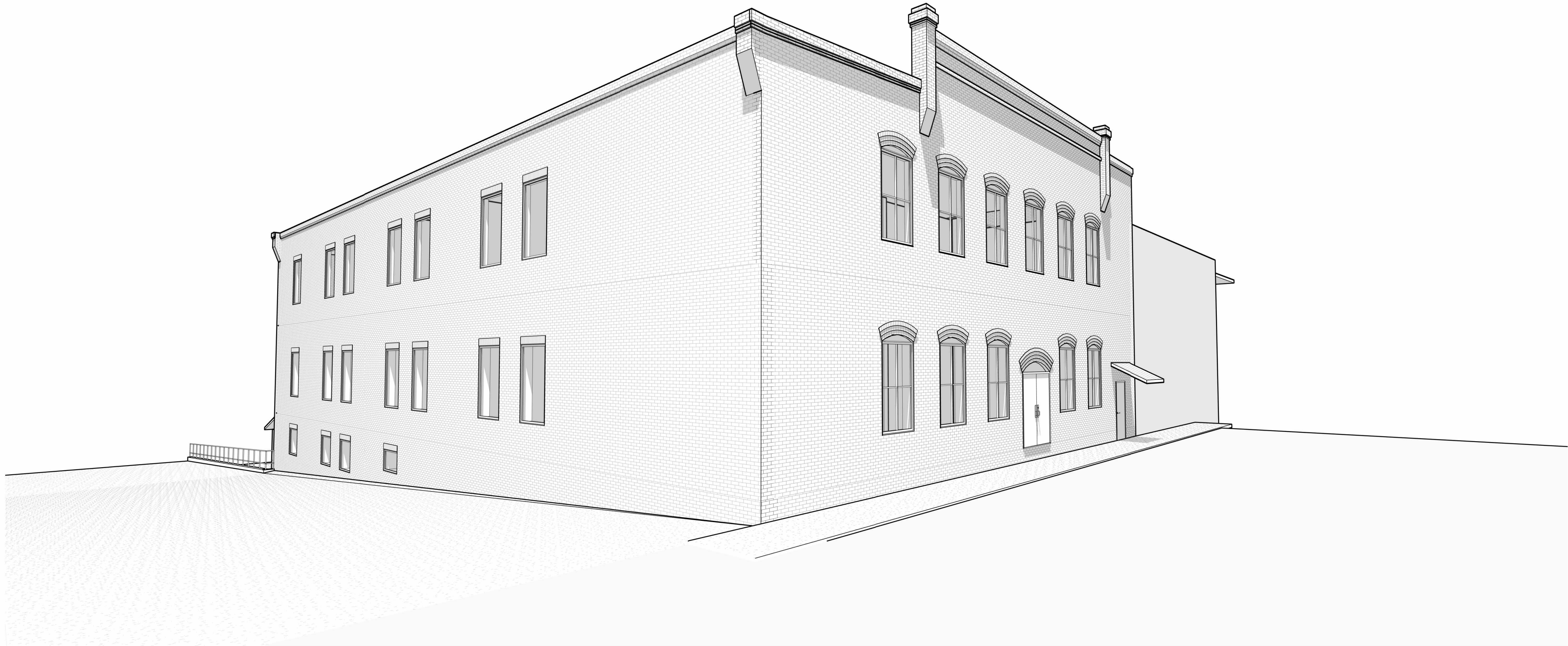
RENOVATION EXTERIOR ELEVATION



3
A4
1/8" = 1'-0"

RENOVATION EXTERIOR ELEVATION

EXHIBIT B-9



1
A5

RENOVATION EXTERIOR PERSPECTIVE



2
A5

RENOVATION EXTERIOR PERSPECTIVE

EXHIBIT B-10

PRELIMINARY
NOT FOR CONSTRUCTION

521 BRIDGE STREET
HISTORIC RENOVATION AND ADAPTIVE RE-USE
RENOVATION EXTERIOR PERSPECTIVES

DRAWN BY
DESIGNED BY
CHECKED BY
DATE
SCALE
REVISIONS

ME
RWP, ME
08/12/2024

521 BRIDGE STREET
DANVILLE, VA 24541



2023 AERIAL IMAGERY OF SUBJECT PROPERTY

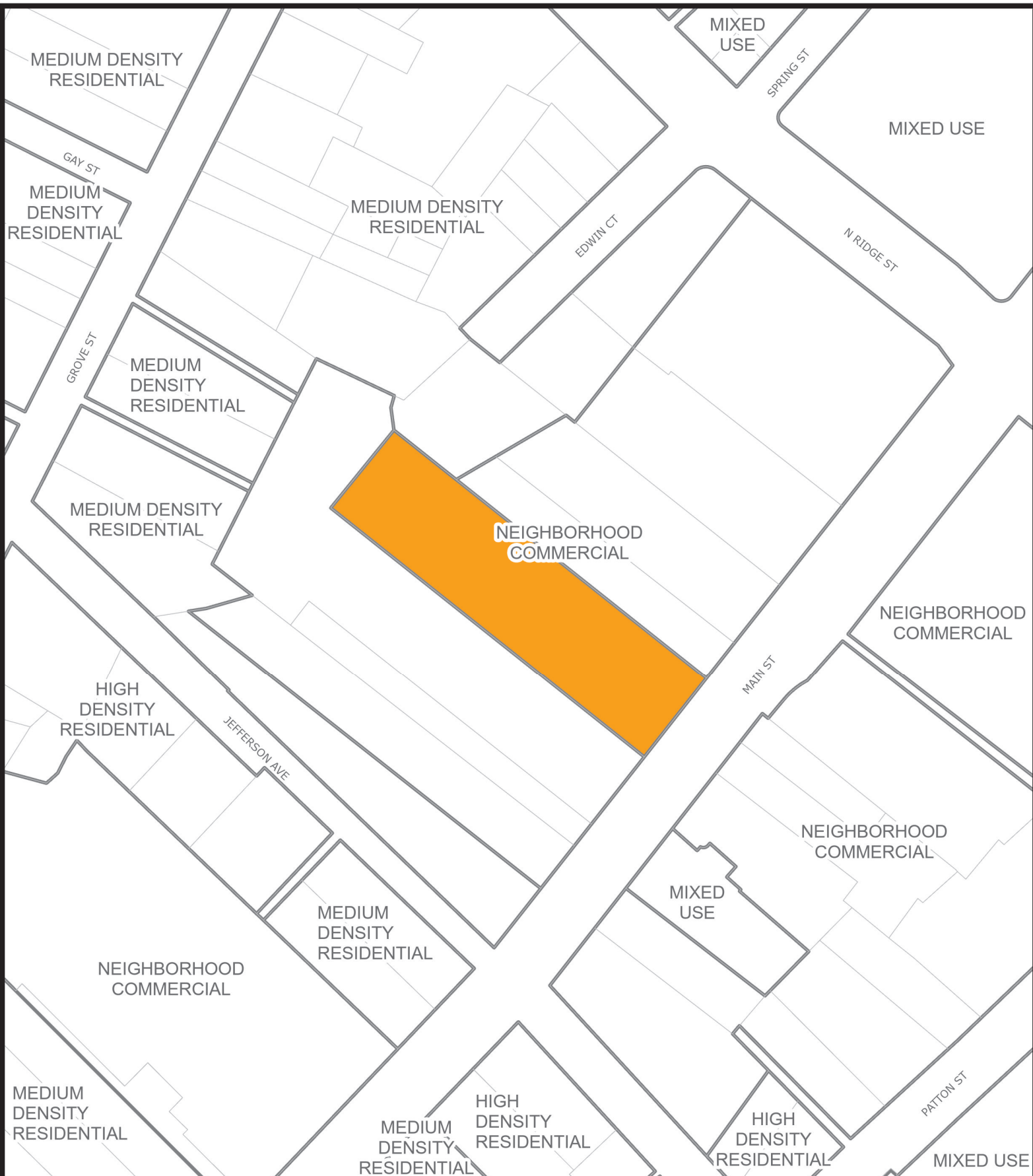
Prepared by:
Planning Division
8/13/2024



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SURROUNDING PROPERTY OWNERS AND ZONING WITHIN 300 FEET OF SUBJECT PROPERTY



YEAR 2030 LAND USE SURROUNDING SUBJECT PROPERTY

Prepared by:
Planning Division
8/13/2024



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CITY OF DANVILLE

Community Development Division of Planning and Zoning

MEMORANDUM

DATE: SEPTEMBER 9, 2024
TO: CITY COUNCIL
FROM: CITY PLANNING COMMISSION
RE: SPECIAL USE PERMIT APPLICATION PZ24-00421

REQUEST

Special Use Permit application PZ24-00421 filed by Seven Diamonds LLC requesting a special use permit at 521 Bridge Street (Parcel 21485) to request waiver of maximum density in accordance with Article 3.L Section C Item 13.

RECOMMENDATION

The Planning Commission, at their September 9, 2024, meeting voted 7 - 0 to recommend approval of Special Use Permit Request PZ24-00421 with the following condition:

1. The multi-family redevelopment at 521 Bridge Street may contain no more than twenty-five (25) units

 RB

Mr. Steve Petrick, Chair

Council Letter City of Danville, Virginia



CL - 1591

NEW BUSINESS B.

City Council REGULAR MEETING

Meeting Date: October 1, 2024

Subject: Special Use Permit Application at 750 Main Street (Parcel 26402).

From: Renee Burton, Division Director of Planning

COUNCIL ACTION

1. Public Hearing
2. An Ordinance Granting Special Use Permit Application PZ24- 00358, filed by Tremell Jeffries, Requesting a Special Use Permit to Allow an Indoor Commercial Recreation Establishment (Commercial Kitchen) at Parcel 26402 (750 Main Street) in Accordance with Article 3.K. Section C Item 5.

SUMMARY

750 Main Street, formerly the home of the YWCA, has been repurposed as a mixed-use commercial space. Current uses include personal service establishments and professional offices; the applicants will be opening a restaurant occupying one of the suite spaces. The applicants are requesting a Special Use Permit to allow them to expand the restaurant operations to include event space for parties and workshops. Operation of a facility that requires payment to attend events or utilize space is deemed indoor commercial recreation by the Zoning Code and a Special Use Permit is required.

A certificate of occupancy inspection was previously completed and the occupancy load for the entire building was determined to be 100 people. A change of use inspection will be required to determine the restaurant/event space's individual occupancy load.

Forty-seven (47) notices were sent out to property owners within three hundred (300) feet. One (1) opposed and five (5) unopposed notices were received.

On September 9, 2024, the City Planning Commission voted 7-0 to recommend approval of Special Use Permit PZ24-00358 to allow an indoor commercial recreation establishment in accordance with Article 3.K Section C Item 5 at 750 Main Street (Parcel ID 26402) with the following condition:

1. The hours of operation may not extend beyond 7:00 a.m. to 9:00 p.m.

RECOMMENDATION

It is recommended that City Council adopt an Ordinance to grant a Special Use Permit to allow an indoor commercial recreation establishment in accordance with Article 3.K Section C Item 5 at Parcel ID 26402 (750 Main Street) with the following condition:

1. The hours of operation may not extend beyond 7:00 am to 9:00 p.m.

Attachments

1. Ordinance
 2. 750 Main Street - Application
 3. 750 Main Street - Aerials
 4. 750 Main Street - Owners
 5. 750 Main Street - Land Use Map
 6. Planning Commission Recommendation
-

PRESENTED: _____

ADOPTED: _____

ORDINANCE NO. 2024-____.____

AN ORDINANCE GRANTING SPECIAL USE PERMIT APPLICATION PZ24-00358, FILED BY TREMELL JEFFRIES, REQUESTING A SPECIAL USE PERMIT TO ALLOW AN INDOOR COMMERCIAL RECREATION ESTABLISHMENT (COMMERCIAL KITCHEN) AT PARCEL 26402 (750 MAIN STREET) IN ACCORDANCE WITH ARTICLE 3.K. SECTION C ITEM 5.

NOW THEREFORE, BE IT ORDAINED by the Council of the City of Danville, Virginia, that the report of the Planning Commission recommending approval of Special Use Permit Application PZ24-00358, filed by Tremell Jeffries, requesting a Special Use Permit to allow an indoor commercial recreation establishment at Parcel ID 26402 (750 Main Street) in accordance with Article 3.K., entitled "CB-C Central Business District", Section C, entitled "Uses permitted by Special Use Permit", Item 5, entitled "Commercial recreation establishments (Limited to indoor uses) of Chapter 41., entitled Zoning Ordinance of the Code of the City of Danville, Virginia, 1986, as amended, be, and the same is hereby, received; with the following condition:

1. The hours of operation may not extend beyond 7:00 a.m. to 9:00 p.m.

AND BE IT FURTHER ORDAINED that in consideration of said report and the public hearing this day held by Council, Special Use Permit Application PZ23-00358, filed by Tremell Jeffries, requesting a Special Use Permit to allow for an indoor commercial recreation establishment at Parcel ID 26402 (750 Main Street) in accordance with Article 3.K. Section C Item 5, is hereby granted and approved with the following condition:

1. The hours of operation may not extend beyond 7:00 a.m. to 9:00 p.m.

Approved:

Mayor

Attest:

City Clerk

Approved as to
Form and Legal Sufficiency:

City Attorney



Deadline: July 15th
PC: August 12th
City Council: September 6th

City of Danville
Community Development
Planning Division

CITY PLANNING COMMISSION

SPECIAL USE PERMIT APPLICATION

Article 6. Section D. Application Requirements for Special Use Permit.

1. An application for a special use permit shall be made by the owner, contract purchaser with the owner's written consent, or the owner's agent, of the property on which the proposed use is to be located. The application shall be submitted to the Director of Planning/Zoning Administrator, and shall be accompanied by the filing fee of \$360.
2. If the request for a special use permit has been denied by City Council, a request in substantially the same form shall not be resubmitted within one (1) year of the date of denial.
3. The application shall include the following information:
 - a. A preliminary site plan in accordance with the Site Plan Regulations.
 - b. A description of the proposed use and, where applicable, the hours of operation and the proposed number of employees/patrons.
 - c. A written statement of proposed project compatibility with the following:
 - (1.) The Comprehensive Plan.
 - (2.) The applicable zoning district.
 - (3.) The surrounding properties.
 - (4.) Current and future neighborhood conditions.
 - (5.) Pedestrian and vehicular traffic patterns, on-site and off-site.
 - (6.) Adequate public facilities.
 - d. When requested by the Director of Planning/Zoning Administrator, the Planning Commission, or the City Council, the following information shall be provided by the applicant:
 - (1.) The architectural elevations and floor plans of proposed building(s).
 - (2.) Traffic impact analysis.
 - (3.) Fiscal impact analysis.
 - (4.) Parking and site circulation analysis.
 - (5.) Photographs of property and surrounding area.
 - (6.) Environmental impact statement.

PLANNING DIVISION PROVIDED INFORMATION

Application #: PZ24-00358 PC Meeting Date: Sept 9
Date Received: 7/16 Received By: Williams
Parcel ID: 26402 Address: 750 Main St.
Existing Zoning N-C Future Land Use: _____

APPLICANT PROVIDED INFORMATION

Property Location (address/ID#): 750 Main St / Parcel ID # 26402

Applicant: Tremell Jeffries / Sheryll Jeffries

Applicant's Address: 513 Smith St. Danville VA 24541

Applicant's Phone Number: 804-471-8114

Applicant's E-mail: tremell.jeffries@gmail.com

Describe Proposed Request: J & J Commercial Kitchen and Consultants LLC desires to open and operate a commercial kitchen and Cafe. The Cafe will be Doing Business As Off The Grid cafe. Workshops will be conducted for food entrepreneurs as well as featuring a breakfast, lunch & dinner menu. The business will start out with 4 employees.

Tremell Jeffries
Applicant Signature

7-15-24
date

Property Owner Signature
(if not applicant)

date



CITY PLANNING COMMISSION

SPECIAL USE PERMIT – SUPPLEMENTAL INFORMATION

BUSINESS NAME: J & J Commercial Kitchen & Consultants

DATE: 07/15/24

AGENDA ITEMS

- I. Preliminary Site Plan - Land Use: Commercial; Tax Map: 1716006000035000; Approx. Acres: 1.061
- II. Description of Proposed Use - Operate a commercial kitchen and cafe. The name of the business is J & J Commercial Kitchen and Consultants LLC also Doing Business As, Off The Grid cafe. Workshops will be conducted for food entrepreneurs as well as featuring a breakfast, lunch and dinner menu. The business will start out with 4 employees.
- III. Written Statement of Proposed Project Compatibility with the following:
 - a) The Comprehensive Plan - Danville is committed to promoting diverse economic growth, ensuring prosperity and economic empowerment for individuals and families from a variety of backgrounds, leading to an economy that is steadily improved and uplifts the entire community.

The proposed project also promotes the growth of food and agricultural business in the region. It will stimulate sustainable agricultural practices, increase food security and promote rural development. This is a strategic investment in a physical asset to attract more visitors, encourage business growth, new job opportunities, stimulate economic activity and enhance overall vibrancy
 - b) The applicable zoning district – Old West End
 - c) The surrounding properties – represents a continuation of commercial expansion in the Old West End and nearby the River District amenities such as King Cropp and Crema & Vine
 - d) Current and future neighborhood conditions - there have been absentee owners and vacant houses that created concern in regards to maintaining the unique architectural aesthetic of the community. Yet there are exciting developments taking place in and around the neighborhood.
 - e) Pedestrian and vehicular traffic patterns, on-site and off-site – revitalization efforts have been ongoing to recreate a vibrant and safe community to live, work and play. There are a number of places for street and off-street parking for visitors
 - f) Adequate public facilities – There are adequate essential resources available such as roads, water supply, sewer system, restrooms and more that is available to accommodate and support this new proposed development



2023 AERIAL IMAGERY OF SUBJECT PROPERTY

Prepared by:
Planning Division
8/13/2024



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SURROUNDING PROPERTY OWNERS AND ZONING WITHIN 300 FEET OF SUBJECT PROPERTY



YEAR 2030 LAND USE SURROUNDING SUBJECT PROPERTY

Prepared by:
Planning Division
8/13/2024



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CITY OF DANVILLE

Community Development Division of Planning and Zoning

MEMORANDUM

DATE: SEPTEMBER 9, 2024
TO: CITY COUNCIL
FROM: CITY PLANNING COMMISSION
RE: SPECIAL USE PERMIT APPLICATION PZ24-00358

REQUEST

Special Use Permit application PZ24-00358 filed by Tremell Jeffries to allow a commercial kitchen and restaurant in accordance with Article 3.K Section C Item 5 at 750 Main Street (Parcel 26402).

RECOMMENDATION

The Planning Commission, at their September 9, 2024, meeting voted 7 - 0 to recommend approval of Special Use Permit Request PZ24-00358 with the following condition:

1. The hours of operation may not extend beyond 7:00 am to 9:00 p.m.

A handwritten signature in blue ink that reads "Steve Petrick RB".

Mr. Steve Petrick, Chair

Council Letter

City of Danville, Virginia



CL - 1122

NEW BUSINESS C.

City Council REGULAR MEETING

Meeting Date: October 1, 2024

Subject: Consideration of Authorizing and Approving a Lease Agreement with the Danville Museum of Fine Arts and History.

From: Ken Larking, City Manager

COUNCIL ACTION

1. Public Hearing
2. A Resolution Approving and Authorizing the Lease Agreement Providing for the Lease, Use, and Occupancy of the Sutherlin Mansion by the Danville Museum of Fine Arts and History for a Term of Fifteen (15) Years and Authorizing the City Manager to Execute the Same on Behalf of the City.

SUMMARY

The Danville Museum of Fine Arts and History has requested a new lease for the Sutherlin Mansion at 975 Main Street, the former fire station located to the rear of the property, and 126 Sutherlin Avenue, in order to continue its operation as a museum. The term of the lease is 15 years.

BACKGROUND

The Danville Museum of Fine Arts and History has occupied the City-owned Sutherlin Mansion property on Main Street, including the Annex formerly used as a fire station, and 126 Sutherlin Avenue for several years. Prior to 1983, its occupancy had been in accordance with the terms and conditions of a series of previously adopted Council Resolutions and agreements. In 1983, the City entered into a 40-year lease with the Museum. That lease expired last year, and they have been operating on a month-to-month basis since then while negotiating the terms of a new lease. Other than the length, the terms of the lease are substantially similar to the previous lease.

RECOMMENDATION

Staff recommends that the City Council approve a 15-year lease with the Danville Museum of Fine Arts and History for the Sutherlin Mansion, the former fire station located to the rear of the property, and 126 Sutherlin Avenue.

Attachments

1. Resolution
 2. Museum Lease
-

PRESENTED: _____

ADOPTED: _____

RESOLUTION NO. 2024 ____.

A RESOLUTION APPROVING AND AUTHORIZING THE LEASE AGREEMENT PROVIDING FOR THE LEASE, USE, AND OCCUPANCY OF THE SUTHERLIN MANSION BY THE DANVILLE MUSEUM OF FINE ARTS AND HISTORY FOR A TERM OF FIFTEEN (15) YEARS AND AUTHORIZING THE CITY MANAGER TO EXECUTE THE SAME ON BEHALF OF THE CITY.

WHEREAS, the City of Danville is the owner of that certain property known and generally referred to as the Danville Museum of Fine Arts and History located at 975 Main Street within the City; and

WHEREAS, the City, by various resolutions of the Council and memoranda agreements made pursuant thereto, accordingly granted to the Museum the right and authority to occupy and use the property for the establishment and operation of a Museum promoting the fine arts and the history associated with the building, and the City; and

WHEREAS, to allow for a more orderly development of its museum facilities, programs, and functions and to permit it to apply for accreditation by the American Association of Museums, the Museum now desires and has requested a written lease to the subject property for a term of years.

NOW, THEREFORE, BE IT RESOLVED, for and in consideration of the premises and the mutual covenants and agreements contained in the Lease, and of the sum of ten dollars (\$10) , cash in hand paid in advance by the Museum to the City in full payment of rental for the term of this lease, the receipt of which is hereby acknowledged, and of other good and valuable consideration, and subject to the terms and conditions hereinafter set forth in the Lease, the City does hereby lease to the Museum and the Museum does hereby lease from the City all of that certain property known as the Danville Museum of Fine Arts and History owned by the City and situate at 975 Main Street within the City of Danville, together with all improvements thereon and appurtenances thereunto

belonging, specifically including both the building which served as the residence of the late W. T. Sutherlin, the building to the rear thereof, formerly occupied and used by the City as a Fire Station, and 126 Sutherlin Avenue which buildings have been and are now, with the consent and authority of the City, occupied and used by the Museum for its corporate purposes, said property being as shown and described on the plat of the Plan of the W.T. Sutherlin Property Made for R. L. Peerman & W. R. Fitzgerald, Administrators by A. G. Pritchett, C. E., dated February 6, 1913, recorded in the Office of the Clerk of the Circuit Court of Danville, Virginia in Deed Book 88, at page 16, a copy of which plat is attached hereto as a part hereof,; and:

BE IT FURTHER RESOLVED, that the term of this lease shall be a period of Fifteen (15) years beginning with the first day of October 1, 2024 and ending on the thirtieth day of September 2039, unless sooner terminated pursuant to provisions set forth in said lease, and that the City Manager, Kenneth F. Larking be, and he is hereby, authorized to execute such lease agreement on behalf of the City.

Approved:

Mayor

Attest:

Clerk

Approved as to
Form and Legal Sufficiency:

City Attorney

THIS LEASE, made this the ____ day of _____, 2024, by and between the CITY OF DANVILLE, a municipal corporation of the Commonwealth of Virginia, hereinafter referred to as the "City, and THE DANVILLE MUSEUM OF FINE ARTS AND HISTORY, a non- stock, non-profit corporation organized and existing under the laws of the Commonwealth of Virginia, hereinafter referred to as the "Museum".

WITNESSETH

WHEREAS, the City of Danville is the owner of that certain property known and generally referred to as the Danville Museum of Fine Arts and History located at 975 Main Street within the City which was acquired by the City by two (2), one deed dated January 2, 1914 and recorded in the Office of the Clerk of the Circuit Court of Danville, Virginia in Deed Book 90 at page 491, and the other deed dated March 20, 1916, recorded in the said Clerk' s Office in Deed Book 97, at page 360, which conveyances were made subject to the condition that the property be held by the City for the purposes for which the Danville Confederate Memorial Association was formed, as set forth In its Certificate of Incorporation recorded in the aforesaid Clerk' s Office in Charter Book 4, at page 226; and

WHEREAS, The Danville Museum of Fine Arts and History is a non-stock, non-profit corporation organized and existing under the laws of the Commonwealth of Virginia , having been originally organized and incorporated as The Danville Chapter of the Virginia Museum of Fine Arts, with its express corporate purpose being to promote, encourage and develop interest in, knowledge of, appreciation for and practice of the Arts to collect, preserve and display works of art, documents and artifacts relating to the history of the Danville, Virginia area, and to establish,

organize, sponsor and operate facilities and programs therefor, as set forth in its Articles of Incorporation recorded in the aforesaid Clerk' s Office in Charter Book 21, at page 157; and

WHEREAS, the aforesaid corporate purposes of the Museum are comparable in substance and essentials to, in harmony with and encompass the corporate purposes of the Danville Confederate Memorial Association for which the property was conveyed to the City as aforesaid; and

WHEREAS, it has been heretofore and is now agreed by the parties hereto that both the purposes for which the property was conveyed to and is held by the City and the purposes for which the Museum was organized and established, as well as the interests of the City, its citizens, visitors and the public in general will be better and more effectively served if the use and occupancy of the property be granted to the Museum for its corporate purposes; and

WHEREAS, the City, by various resolutions of the Council and memoranda agreements made pursuant thereto, accordingly granted to the Museum the right and authority to occupy and use the property for the establishment and operation of a Museum promoting the fine arts and the history associated with the building, and the City; and

WHEREAS, the Museum has been and is now occupying and using the property for and successfully achieving and accomplishing the mutual purposes and objectives of the City and of the Museum by preserving and providing for the City, its citizens, visitors, and the public in general a place of enjoyment, education, and historical significance; and

WHEREAS, to allow for a more orderly development of its museum facilities, programs, and functions and to permit it to apply for accreditation by the American Association of Museums, the Museum now desires and has requested a written lease to the subject property for a term of 15 years; and

WHEREAS the Council is of the opinion that the purposes and objectives of the parties and the pleasure, education, and enjoyment of the public will be more conveniently and effectively served and achieved by granting such request and entering into such a lease agreement.

NOW, THEREFORE, THIS LEASE WITNESSETH, that for and in consideration of the premises and the mutual covenants and agreements herein contained and of the sum of ten dollars (\$10) , cash in hand paid in advance by the Museum to the City in full payment of rental for the term of this lease, the receipt of which is hereby acknowledged, and of other good and valuable consideration, and subject to the terms and conditions hereinafter set forth, the City does hereby lease to the Museum and the Museum does hereby lease from the City all of that certain property known as the Danville Museum of Fine Arts and History owned by the City and situate at 975 Main Street within the City of Danville, together with all improvements thereon and appurtenances thereunto belonging, specifically including both the building which served as the residence of the late W. T. Sutherlin, the building to the rear thereof, formerly occupied and used by the City as a Fire Station, and 126 Sutherlin Avenue which buildings have been and are now, with the consent and authority of the City, occupied and used by the Museum for its corporate purposes, said property being as shown and described on the plat of the Plan of the W.T. Sutherlin Property Made for R. L. Peerman & W. R. Fitzgerald, Administrators by A. G. Pritchett, C. E., dated February 6, 1913, recorded in the Office of the Clerk of the Circuit Court of Danville, Virginia in Deed Book 88, at page 16, a copy of which plat is attached hereto as a part hereof, upon the following terms and conditions:

1. The term of this lease shall be a period of fifteen years beginning with the first day of October 2024 and ending with the 30st day of September 2039 unless sooner terminated

pursuant to provisions hereinafter set forth. There shall be an option to extend the lease for an additional 15 years, upon mutual agreement of the City and the Museum.

2. The property shall be occupied and used by the Museum for the purpose of continuing and improving the museum facilities thereon and the programs, activities and functions thereof consistent with and pursuant to the express corporate purposes for which it was established, and specifically to promote, encourage and develop interest in, knowledge of, appreciation for and practice of the arts, and to collect, preserve and display works of art , documents and artifacts, including those relating to the history of the Danville area, and to establish, organize, sponsor and operate facilities and programs therefor.

3. The Museum's occupancy and use of the said premises is, however, subject to allow access to club rooms for Daughters of the Confederacy, and other benevolent, historical, literary, educational, civic, and social societies, together with the reasonable rights of ingress thereto and egress therefrom during all days and hours that the Museum is open to the public, and also at other times when, if, and upon condition that the societies make prior arrangements therefor with the Museum, and the societies agree to and do pay or reimburse the Museum for the costs and expenses of any security guards or personnel required by the Museum for the occasion and the societies' planned activity or access does not constitute a threat to the security and safety of the buildings or to the persons or property therein and does not unreasonably interfere with the programs, activities or functions of the Museum.

4. The Museum accepts the premises in the condition in which they now are, and the City shall be under no obligation to maintain, repair, alter, improve, or enlarge the same, except as hereinafter provided.

5. The Museum, in furtherance of the purposes of this lease, and solely at its own cost and expense, may renovate, remodel, reconstruct and restore the interior of the buildings upon the premises, and from time to time during the term of this lease may construct additions to and enlargements of said buildings, and may otherwise make such changes, alterations and improvements and construct and install such fixtures , equipment and facilities and additions thereto, as may be reasonably necessary, convenient or desirable to fit the premises for its use and purpose under the terms of this lease; provided, however, that the same shall be done by the Museum in accordance with the applicable laws, ordinances and regulations and after obtaining any requisite permits or licenses and provided further that the plans and specifications for all such proposed enlargements of or additions to said buildings are first submitted to and are found to be satisfactory to and approved by the Council of the City of Danville prior to the commencement of such work. It is understood and agreed that under this provision the City, by its Council, shall have the absolute right within its discretion to veto or prohibit any such proposed enlargement or addition, and it is further understood and agreed that the City shall not construct any additional buildings or structures or any additions to or enlargements of the present buildings on the premises without the prior written consent of the Museum.

6. The Museum shall at all times and at its own expense be responsible for and provide the maintenance, care , upkeep and repair of the Interior of all buildings upon the premises and of all equipment, fixtures, facilities and furnishings therein, including, but not limited to, the plumbing, heating, electrical, air conditioning, humidity controlling, fire prevention and security protection systems and equipment, and shall keep and maintain the same in a clean, safe and sightly condition and in a good state of repair, reasonable wear and tear and damage or destruction by fire or other casualty excepted, and shall neither commit nor permit any waste of the premises, but

excluding, however, any communications equipment belonging to the City and located on the premises. The City shall provide up to a \$10,000 annual stipend to cover the cost of any HVAC system maintenance and repair, which shall be provided on a reimbursement basis upon presentation of receipts.

7. The City shall supply, without cost to the Museum, all necessary water, electric power, and heating fuel for the premises, but not, without the prior approval of the Council, for any future enlargements of or additions to the present buildings. The Museum agrees to use its best efforts to use and consume the same as economically and efficiently as is possible under the prevailing conditions, requirements, and circumstances.

8. The City, at its expense, shall provide and be responsible for the maintenance, care, upkeep, and repair of the exterior of each of the present buildings on the property, including the roof, walls , windows, footings, foundations , gutters, downspouts and drainage system thereof, both above and under the ground, and also for the boilers and furnaces within the present buildings , and shall also provide and be responsible for the maintenance, care, upkeep and beautification of the grounds and lawns on the premises , including the trees , flower beds, shrubbery and plantings, the walkways, driveways, fountains , markers and monuments located thereon. It is understood and agreed, however, that such responsibility shall not, without the prior consent and approval of the Council, extend to or include any future enlargements of or additions to the present buildings, or any new buildings that may be constructed on the property. The Museum promptly notify the Director of the City' s Department of Public Works of any and all observed, suspected or anticipated conditions or problems on the premises requiring attention and for which the City Is; responsible hereunder, and if such notice is initially given orally, then the Museum shall promptly confirm the same In writing addressed to the said Director.

9. The Museum shall have the authority, right and responsibility to manage, administer, regulate and control the use and occupancy of the property by Its membership and others , which shall include authority to regulate and control the purpose, the time, by whom and in what manner any activity, program, function or use shall occur or be conducted; provided, however, that such regulation and control and such uses and activities are consistent with the corporate purpose of the Museum and the terms and conditions of this lease and are not inconsistent with the aforesaid conditions under which the City acquired and holds the property,

10. In exercising its authority as set forth in Paragraph 9 above, the Museum shall have the right and authority to make reasonable charges for the uses of the property, including admission charges , membership dues , use and service fees , when the same are deemed by the Museum to be customary and appropriate for such facilities, services and functions;

11. The City reserves and shall have the right by its duly authorized officers, agents or employees, to enter the premises and the buildings thereon, at any reasonable time and In an emergency at any and all times, day or night, and the Museum shall make satisfactory arrangements to so provide, for the purposes of performing its obligations and duties hereunder, of monitoring, maintaining, repairing, replacing and generally caring for the City owned property and equipment located on or in the premises , preserving and enforcing the safety and security of the premises and its contents , and otherwise exercising its governmental functions, and for the purpose of examining and inspecting the premises to assure compliance with the terms and conditions of this lease agreement by both parties

12. The Museum expressly waives and the City hereby disclaims any responsibility or liability for any and all claims for compensation for any injury to or death of any person or for any damage to or loss of any property, including the buildings and the exhibits,

collections, furnishings and fixtures therein, and any other contents thereof, caused by but not limited to fire, storm, accident, theft, any defect, deficiency, failure, malfunction or impairment of the water, gas , electrical, plumbing, heating, air conditioning, humidity control, fire prevention or security protection systems , facilities or equipment, leading to or on the premises, or any other cause , whether due to act of God or act or omission, negligently or otherwise, by man.

13. It is mutually understood and agreed that nothing contained in this agreement is intended to or shall be construed as in any way creating or establishing the relationship of co-partners or joint venturers between the City and the Museum, or as constituting the Museum, or any of its officers , agents , employees or members , as the agent, representative or employee of the City.

14. The Museum shall so conduct its activities upon the premises so as not to endanger any person or property lawfully thereon, and agrees to and shall, at its expense, defend, indemnify, save and hold harmless the City, its officers, agents and employees, from and against any and all claims , demands, suits, judgments , liabilities, costs, damages and expenses of any nature which may accrue against, be charged to or recovered from the City, its officers , agents or employees, by reason of or on account of any damage to or loss of property or any injury to or death of any person or deprivation of or infringement upon the lawful rights of any person resulting from or arising out of or occasioned wholly or in part by the Museum' s use, occupancy, management, operation or control of the premises or its programs or activities, regardless of whether the said operations, programs or activities are on or off the premises, including the acts or omissions of its officers ,agents, employees, contractors subcontractors, members, guests, or invitees, or any other person admitted to said premises by the Museum or authorized by it to use the same or any portion thereof. Each party hereto shall give to the other prompt and timely notice

of any claim made or suit Instituted which comes to its attention and which In any way reasonably appears to affect or which might affect either of said parties or its insurer, and both shall have the right to participate in the defense of the same to the extent of its own interest. In the event the City shall elect to so defend, such defense shall not be deemed a waiver by the City of any of its rights under the foregoing provision of indemnification.

15. The Museum shall, at its expense, procure and at all times during the term of this lease shall maintain with a company authorized to do business in the Commonwealth of Virginia, public Liability and property damage insurance, which shall name the City as a named insured thereunder, against any and all loss, claims, liabilities, judgments, costs, damages, and expenses which may accrue against, be charged to or recovered by reason of or account of damage to or loss of property or injury to or death of any person or persons resulting from or arising out of the Museum' s occupancy or use of the premises, its operations and activities, or any act or omission by the Museum, its officers, agents, employees, members or invitees, in connection therewith, the minimum limits of such insurance being One Million Dollars (\$1,000,000) for death or injury to any one person, Two Million Dollars (\$2,000,000) for death or injury to more than one person in any one accident, and Two Million Dollars (\$2,000,000) for the damage to or loss of any property. Such insurance shall provide that it cannot be canceled without thirty days' prior written notice thereof being given to the Museum and to the City; and a certificate showing the amount and term of such insurance shall be furnished to the City by delivery to its Director of Finance.

16. The City shall, at all times during the term of this lease, maintain, at its expense, a policy or policies of insurance upon the buildings on the premises, but exclusive of any contents thereof, in reasonable amounts against loss or damage by fire , with extended coverage

for loss or damage by storm, explosion, vandalism, malicious mischief and other hazards as are normally covered by such an endorsement, and with replacement cost endorsement in an amount equal to the replacement cost without deduction for depreciation. It is understood and agreed, however, that in the event any one or all of the buildings occupied or used by the Museum under this lease should for any reason, whether because of fire, or other casualty or catastrophe or any act of God, government, persons or law, or any other reason or cause, be damaged or destroyed or otherwise rendered unusable by or unavailable to the Museum, then the City shall have no obligation to repair, restore, or rebuild the said buildings or to otherwise make the premises or any other alternative, replacement or substitute property available to and usable by the Museum, and either party may, at its option and without obligation to the other, declare and consider this lease, and all rights and duties hereunder, to be terminated.

17. The City shall not be obligated or required to obtain or to maintain any insurance upon any of the contents of the buildings upon the premises against loss or damage by fire or other casualty, catastrophe or cause of any nature; provided, however, that the Museum, solely at its own expense, shall procure and carry throughout the term of this lease such insurance and extended coverage upon the contents of the buildings , and at its option upon the buildings located on the premises as and to the extent its interests shall appear, it being understood and, by prior agreement to such effect , agreed that the aforesaid Anne Eliza Johns Chapter of the United Daughters of the Confederacy is and, for so long as it occupies or uses its meeting room as hereinabove provided, shall be likewise obligated and entitled as is the Museum in this regard.

18. The Museum shall not permit any mechanic' s, materialman' s or any other lien to become attached to or be foreclosed upon the leased premises or any improvements thereto

or thereon or any part or portion thereof by reason of work or labor performed or materials or equipment furnished.

19. The Museum agrees that, in its use, occupancy of and improvements to the premises, and in its operation and activities thereon, it will do so in compliance with all applicable laws, ordinances and regulations of any governmental authority which are now or hereafter in effect and shall not permit or suffer the premises to be used for any purpose or in any manner in violation thereof.

20. Neither the Museum nor the City may or shall erect, install or maintain any sign on the premises other than in compliance with the City's Ordinances regulating the same and without having first obtained both the written consent and approval of the other and the approval and permission of the City's Commission of Architectural Review with respect to the number, type, size, style, design, materials, color and location thereof, nor permit or suffer the same. Further, the Museum shall not allow any sign, flag, banner, symbol, or the like to be displayed in or on any window or door, where said sign, flag, banner, symbol, or the like may be seen from a public right of way without the express written permission of the City Manager.

21. Should the Museum at any time during the term of this lease cease, discontinue or abandon its occupancy or use of the premises for the purposes of this lease, or as provided and required by the terms and conditions hereof, or should it at any time, without the prior written consent and permission of the Council of the City of Danville, assign, sell or transfer, surrender, sublet or sublease, or otherwise encumber or dispose of this lease, or any estate or rights created hereby, in whole or in part, then this lease shall thereupon automatically terminate.

22. Upon the termination or expiration of this lease, the Museum will surrender and deliver to the City quiet and peaceable possession of the premises, including any and all

permanent improvements and additions and fixtures and equipment adhered or attached thereto, in as good condition and state of repair as they now are, ordinary wear and tear not caused by any fault of the Museum but by the elements or act of God excepted. The Museum shall have the right prior to such surrender to remove from the premises all personal property, furnishings , fixtures and equipment installed by it, and the title to which it retains, and not a part of the real estate; provided, however, that such removal shall be done in a manner so as to not injure, damage or deface the premises and that the Museum shall repair, at its expense and in a satisfactory manner, any damages to the premises incidental to or caused by such removal.

23. This lease may be amended or terminated at any time by mutual consent and agreement of the parties.

24. In the event any covenant, phrase, clause, paragraph, term, provision or condition of this lease, or the application thereof to any person or circumstance, shall to any extent be held by any court of competent jurisdiction to be invalid or unenforceable, it shall in no way affect the remainder of this lease or the application thereof.

IN WITNESS WHEREOF each of the parties to this lease agreement have caused the same to be executed on its behalf by Its duly authorized officers in two counterparts, each of which shall be considered an original.

{Signatures appear on following pages}

CITY OF DANVILLE, VIRGINIA,

By: _____
City Manager

COMMONWEALTH OF VIRGINIA
CITY OF DANVILLE, to-wit:

The foregoing instrument was acknowledged before me this ____ day of _____ 2024, by Kenneth F. Larking, in his capacity as City Manager of the City of Danville, Virginia, a Municipal Corporation of the Commonwealth of Virginia, on behalf of the City.

My commission expires: _____.

Notary Public

(SEAL)

ATTEST:

City Clerk

THE DANVILLE MUSEUM OF FINE ARTS AND HISTORY

By: _____
President

COMMONWEALTH OF VIRGINIA
CITY OF DANVILLE, to-wit:

The foregoing instrument was acknowledged before me this ____ day of _____ 2024, by _____, in his capacity as President of The Danville Museum of Fine Arts and History, a Virginia Corporation, on behalf of the corporation.

My commission expires: _____.

Notary Public

Council Letter City of Danville, Virginia



CL - 1590

NEW BUSINESS D.

City Council REGULAR MEETING

Meeting Date: October 1, 2024

Subject: Proposed Charter Amendments.

From: W. Clarke Whitfield Jr., City Attorney

COUNCIL ACTION

1. Public Hearing
2. A Resolution Requesting that the General Assembly Amend the Charter of the City of Danville, Virginia.

SUMMARY

City Staff are seeking approval from City Council to adopt a resolution requesting the State Legislature to ratify proposed amendments to the City Charter that update the language and organization of the Charter to grant greater administrative flexibility to the City, clarify responsibilities and powers, implement best practices adopted by other localities in Virginia, harmonize the Charter with State law where necessary, enhance readability, and protect the interests of the City and its residents by ensuring that the Charter is the best governing document possible.

BACKGROUND

The Danville City Charter, which is the principal document that establishes the City government and allows it to operate has largely not been updated in almost half a century. In the past half-century, many State laws pertaining to local governments have changed, and the current City Charter includes several provisions that no longer conform with State law or that do not take advantage of opportunities newly granted by State law. Additionally, the organization, structure, and needs of the City have naturally changed during such time, resulting in several Charter provisions that are superfluous.

To amend the City Charter, the Council must conduct a public hearing and adopt a resolution requesting the State Legislature to adopt the proposed Charter amendments. The State Legislature must then pass a special law in the next legislative session approving the proposed Charter amendments. The City Charter cannot be amended without the approval of the State Legislature in the form of a special law.

City staff have prepared proposed Charter amendments that accomplish a multitude of beneficial purposes. Given the general difficulty in obtaining a State law, the proposed amendments represent a full comprehensive update that will hopefully eliminate the need to seek future Charter amendments for another half-century. While several amendments are being proposed, most are non-substantive changes that will not change the existing operation of the City government.

A full summary breakdown of all proposed Charter amendments, both substantive and non-

substantive, is attached to this Council Letter as an appendix. A copy of the proposed Charter, as reorganized, is attached to this Council Letter along with a red-line draft of the existing Charter showing all proposed changes prior to reorganization. Comparative tables are also attached to this Council Letter to show the effect of the reorganization on each existing section of the Charter.

RECOMMENDATION

City staff recommends adopting the attached resolution requesting the State Legislature ratify the proposed amended Charter.

Attachments

1. Resolution
 2. Exhibit A - City of Danville - Revised Charter
 3. Exhibit B - City of Danville - Revised Charter - Redlined
 4. Exhibit C - City of Danville - Revised Charter - Appendix
-

PRESENTED: October 1, 2024

ADOPTED: October 1, 2024

RESOLUTION NO. 2024-____.____

A RESOLUTION REQUESTING THAT THE GENERAL ASSEMBLY AMEND THE CHARTER OF THE CITY OF DANVILLE, VIRGINIA.

WHEREAS, after having given due notice thereof, the Council (The Council) of the City of Danville, Virginia (the City) conducted a public hearing pursuant to Section 15.2-202 of the Code of Virginia, 1950, as amended for the purpose of amending its Charter.

NOW THEREFORE, BE IT RESOLVED by the Council of the City of Danville, Virginia, that it is hereby determined to be in the best interest of the City to request the General Assembly at its 2025 session to amend the Charter of the City of Danville, Virginia substantially in the form of the exhibit "A" attached hereto and made a part hereof as if set forth herein; and

BE IT FURTHER RESOLVED that the City Manager be, and is hereby, directed to provide for the transmittal of two (2) certified copies of the resolution, together with copies of the published newspaper notice of a public hearing and evidence of holding the public hearing by the City Council, to one or more members of the General Assembly representing the City with the request that the General Assembly amend the Charter as provided herein.

Approved:

Mayor

Attest:

City Clerk

Approved as to
Form and Legal Sufficiency:

City Attorney

Exhibit “A”

Clean Version

CHARTER

CHAPTER 1. INCORPORATION; CHARTER

§ 1-1. Creation; general powers.

- A. *Incorporation.* The residents living within the territorial boundaries of the City of Danville, as established by law, are and shall continue to be a body politic and corporate organized pursuant to the laws of the Commonwealth of Virginia as a municipal corporation under the name of the City of Danville and as such shall have perpetual succession.
- B. *Corporate powers.* The City may sue and be sued, contract and be contracted with, and may have a corporate seal which it may alter at its pleasure. The Council may, in the name and for the use of the City, contract debts, and cause to be issued therefor notes or bonds, in the manner provided by law and subject to the restrictions imposed upon cities by the Constitution and laws of the Commonwealth, including but not limited to the Virginia Public Finance Act.
- C. *Powers relating to property.* The City is hereby vested with the fee simple title to every public street, alley, and public right-of-way within the territorial boundaries of the City. The Council may provide for the protection, management, and use of all real and personal property owned by the City, whether such property is located within or outside the territorial boundaries of the City, and such City property, wherever located and for whatever purpose it is used, is under the police jurisdiction of the City for the purpose of enforcing any law, rule, or policy made pursuant to this power, consistent with law. Any real or personal property owned by the City that is located outside the territorial boundaries of the City and is used by the City consistent with its powers and duties, is exempt from taxation by the government of any locality in which such property is physically located.
- D. *Police powers.* The City is hereby vested with the duty and power to protect the public health, safety, and general welfare within the jurisdiction of the City. To protect the City water supply, the Council may provide for the prevention of pollution of such water supply, including but not limited to the water in the Dan River and any tributary thereof, whether located within or outside the territorial boundaries of the City. Accordingly, the Council may prohibit the introduction of pollutants and other foreign matter therein for a distance of three (3) miles above the territorial boundaries of the City, and may punish any offender by fine, imprisonment, or both, and may enjoin any person from causing such pollution.
- E. *Statutory powers.* The City has and may exercise each and every power which is now or may later be vested in or delegated to cities, to localities generally, or to officers thereof, under the Constitution and laws of the Commonwealth and all every other power relating to the conduct of a city government, the exercise of which is not inconsistent with such Constitution and laws, as fully and completely as though each such power is expressly enumerated in this Charter. No enumeration of any specific power in this Charter shall be interpreted as being exclusive, but rather as being in addition to this general grant of powers. The powers herein granted include, but are not limited to, all powers available to cities, localities generally, and officers thereof under Title 15.2 of the Virginia Code.

§ 1-2. Territorial boundaries.

- A. *Existing boundaries.* The territorial boundaries of the City are and shall continue to be those defined in the Act of the General Assembly approved April 20, 1903, being Chapter 162, at Page 237, of the Virginia Acts of Assembly of 1903, and as enlarged by those court orders and decrees recorded in the land records of the Circuit Court of the City of Danville, Virginia in the following places: Deed Book 74, at Page 264; Deed Book 152, at Page 345; Deed Book 217, at Page 462; Deed Book 247, at Page 98; Deed Book 286, at Page 445; Deed

Book 298, at Page 391; Deed Book 307, at Page 479; Deed Book 343, at Page 31; Deed Book 385, at Page 17; Deed Book 396, at Page 611; Deed Book 396, at Page 616; Deed Book 477, at Page 65; Deed Book 503, at Page 27; Deed Book 518, at Page 394; Deed Book 518, at Page 400; Deed Book 518, at Page 406; Deed Book 590, at Page 382; and Deed Book 869, at Page 522.

- B. *Future boundaries.* Any change to the territorial boundaries of the City made after the effective date of this Charter need not be expressly enumerated herein to take effect.

§ 1-3. City officers.

- A. *Vesting of administration and governance.* The administration and governance of the City is vested in the Council of the City of Danville, and in such other boards and officers established by this Charter or by law.
- B. *Oath of office.* Every person elected by the qualified voters of the City or appointed by the Council to any City office, including, but not limited to, any City board or commission created by ordinance, shall take the oath of office required of a State officer by law, prior to assuming such office. Such oath may be administered by any person allowed by law to administer such oath, including, but not limited to, the City Clerk, and a written document certifying the giving of such oath shall be filed with and maintained by the City Clerk.
- C. *Failure to take oath or give bond.* If any person elected or appointed to any City office fails to take the oath or give any required bond by the day of the initial meeting or on which the term begins, then such office shall be deemed vacant, and another election or appointment shall be made for such office in accordance with law.
- D. *Continuity of office.* Whenever any City officer, including, but not limited to, any City board or commission created by ordinance is elected or appointed for a fixed term, such officer shall continue to hold office until a successor is elected or appointed to such office and satisfies all qualifications to hold such office, consistent with law.

§ 1-4. The Charter

- A. *Rules of construction.* In the interpretation of this Charter, the following rules of construction are used, unless such interpretation is inconsistent with the clear intention of the Charter:
1. *Computation of time and date.* Whenever a particular time is referred to in this Charter, the applicable time is Eastern Standard Time or Daylight-Saving Time, whichever is in current use and effect in the City on the applicable date. Whenever a particular date is referred to, the applicable date is based upon the Gregorian calendar in a year calculated *Anno Domini* (A.D.);
 2. *Number.* A word used in the singular includes the plural, and a word used in the plural includes the singular;
 3. *Tense.* A word used in the past or present tense includes the future;
 4. *Headings.* The headings or titles of the several sections and subsections of this Charter are intended as mere catchwords to indicate the contents of the sections and are not part of this Charter.
 5. *References to law.* Any general reference in this Charter to law includes, as applicable, the Constitution and laws of the Commonwealth of Virginia as well as the Charter, ordinances, and other laws of the City, as may be amended from time to time.
- B. *Severability.* If any portion, section, or provision of this Charter is declared unconstitutional, illegal, or otherwise invalid by final order of any court of competent jurisdiction, then to the maximum extent allowed by law, such order shall not be interpreted as invalidating any other portion, section, or provision hereof, and every part of the Charter not expressly affected by such order shall be continued in full and remain in full force and effect.

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- C. *Continuation of existing officers, laws, and contracts.* Any City officer, including, but not limited to, the member of any City board or commission created by ordinance, who is elected or appointed for a specified term beginning prior to the effective date of this Charter and whose term has not yet expired upon such effective date shall continue to hold such office until the original term expires. Every City ordinance and resolution and every rule, policy, and order legally made by any City department, board, or officer, in force upon the effective date of this Charter is hereby continued in full and remains valid. Every contract and obligation made by the Council or the City government prior to the effective date of this Charter is hereby continued in full and remains a valid and legal obligation of the City, consistent with law. The authority to issue any bond, the issuance of which was legally authorized prior to the effective date of this Charter, shall not lapse, terminate, or be otherwise affected by reason of any provision herein, and any such bond may be sold or issued in accordance with the ordinance authorizing its issuance and with any provision of law in force prior to the effective date of this Charter, or in accordance with this Charter.

CHAPTER 2. THE COUNCIL

§ 2-1. Council composition and membership.

- A. *Composition.* The governing body of the City is the Council, which consists of nine (9) members, who are elected by the qualified voters of the City, at large, to a four (4) year term. Any candidate seeking to be elected to the Council shall be nominated as provided by law.
- B. *Elections.* Each general Council election shall be conducted in accordance with the laws of the Commonwealth. On the first Tuesday after the first Monday in November, 2022, there shall be elected by the qualified voters of the City four (4) Council members whose terms shall begin January 1, 2023, and expire December 31, 2026. On the first Tuesday after the first Monday in November, 2024, there shall be elected by the qualified voters of the City five (5) Council members whose terms shall begin January 1, 2025 and expire December 31, 2028. Each succeeding two (2) years after 2024, on the first Tuesday after the first Monday in November, there shall be elected four (4) or five (5) Council members, as the case may be, to serve for terms of four (4) years beginning on January 1 and expiring on December 31, to fill the vacancies caused by the expiration of the previous terms of office. If, subsequent to the adoption of this Charter, the laws of the Commonwealth allow local governing bodies to hold elections in May, then in the next general election that occurs at least one (1) year subsequent to such allowance, Council elections shall instead be conducted in May rather than November and terms shall expire July 1 rather than January 1.
- C. *Continuing body.* The Council is a continuing body and no measure pending before it shall expire or be discontinued due to the expiration of a term of office or a change in Council membership.
- D. *Ineligibility for other office.* No Council member shall, while holding such office and for one (1) year thereafter, be eligible for employment or appointment to any paid office of the City government, provided that the Council is expressly authorized to appoint one (1) of its members to serve as a Commissioner of the Danville Redevelopment and Housing Authority.

§ 2-2. Council vacancies.

- A. *Filling by appointment.* If a vacancy in the Council shall occur in the same year as the expiration of the term, then the vacancy shall be filled for the unexpired term through appointment by the Council. In such case, the Council shall, within forty-five (45) days of the occurrence of the vacancy, appoint an interim replacement to serve until the expiration of the term. No person shall be appointed to fill a vacancy unless such person is a qualified voter of the City and receives the votes of at least a majority of the remaining Council members. If a majority of the remaining Council members are unable to fill the vacancy within forty-five (45) days of the

occurrence of the vacancy, such vacancy shall be filled by appointment by a majority of the judges of the Circuit Court, until a special election to fill the vacancy is conducted in accordance with law.

- B. *Filling by special election.* If a vacancy in the Council occurs in a year other than that in which the term expires, then the vacancy shall be filled by special election. In such case, the Council shall, within fifteen (15) days of the occurrence of the vacancy, petition the Circuit Court to issue a writ of election to fill the vacancy. Any special election required by this Section shall be conducted on the date of the earliest general election following the occurrence of the vacancy, unless the occurrence is within ninety (90) days of the earliest general election, in which case the special election shall occur in the following general election. The Council may fill a vacancy with an interim appointment until such time as the vacancy is otherwise filled by special election.

§ 2-3. Council Organization.

- A. *Inaugural meeting.* An inaugural meeting of the Council shall take place in the Council chamber in the Municipal Building at twelve o'clock noon (12:00 P.M.) on the first business day of January of each odd-numbered year. The meeting shall be called to order by the City Clerk, or if absent or unable, the City Attorney, who shall administer the oath of office to the newly elected members of the Council. If, subsequent to the adoption of this Charter, the laws of the Commonwealth allow local governing bodies to hold elections in May, then after the first general election that occurs in May, the inaugural meeting of the Council shall instead be conducted in July of each even-numbered year rather than January of each odd-numbered year.
- B. *Selection of officers.* The first item of business at the inaugural meeting shall be the selection of a Mayor and Vice Mayor, and the Council shall not adjourn until a Mayor and Vice Mayor are selected. The Council shall select, by majority vote of all its members a Mayor and a Vice Mayor from among its members for the ensuing two (2) years.
- C. *Mayor.* The Mayor shall act as president of the Council, shall preside at meetings of the Council, and shall perform such other duties consistent with this office as may be required by the Council. The Mayor shall be entitled to vote and speak the same as any other member, but shall possess no veto power. The Mayor shall be recognized as the head of the City government for all official functions and ceremonial purposes, the purposes of military law, and may use the title of Mayor in any case in which the execution of legal documents, or other necessity arising from law, may so require, provided that this authority shall not be construed as vesting any administrative function or other power of an executive officer under law.
- D. *Vice Mayor.* The Vice Mayor shall, in the absence or inability of the Mayor, perform the duties of Mayor, and if a vacancy shall occur in the office of Mayor, shall become Mayor for the unexpired portion of the term. In the absence or inability of both the Mayor and Vice Mayor from any meeting, the Council shall select an acting Mayor from amongst its members. If a vacancy shall occur in the office of Vice Mayor, the Council shall select, by majority vote of all its members, a Vice Mayor from among its members for the remaining term.

§ 2-4. Council meetings.

- A. *Quorum.* A quorum, consisting of a majority of the whole Council is required to conduct official business, however a smaller number of Council members may adjourn meetings if a quorum is not present.
- B. *Rules of procedure.* The Council has the power to adopt its own rules of procedure, subject to the provisions of this Charter. Such rules shall establish the time and location of regular Council meetings, provided that at least one (1) is held in each month. Such rules shall authorize special meetings at the request of the Mayor or any two (2) Council members, and shall establish the method of giving notice thereof, consistent with law, and no item of business may be considered at such meeting unless included in the notice or the whole Council is present. No vote taken at a previous meeting shall be rescinded or reconsidered at any special meeting, unless there are at least as many members present at such special meeting as were present when such previous vote was taken.
- C. *Misconduct.* The Council may punish any member for misconduct and may compel the attendance of any member in such manner and under such penalty as may be required by law.

§ 2-5. Legislative powers.

- A. *Vesting of legislative powers.* The Council is hereby vested with full power and authority to exercise each and every legislative power vested in the City, except as otherwise provided in this Charter or by law. The Council may make and enforce any ordinance, rule, and policy it deems necessary or expedient to carry into effect any of its powers and may establish such penalty for the violation thereof, consistent with law.
- B. *Introduction of laws.* Any Council member or committee may introduce an ordinance or resolution at any Council meeting, consistent with any notice required by law.
- C. *Adoption of laws.* No ordinance, resolution, motion, or vote shall be adopted by the Council, except at a meeting open to the public and, unless it shall have received the affirmative votes of at least a majority of those members present and voting, excepting any motion to adjourn, recess, or any other similar motion of a purely procedural nature. Any ordinance or resolution may be voted on and passed at the meeting in which it is introduced, except as otherwise provided by law, and shall become effective upon adoption unless otherwise provided by the Council. No ordinance that imposes any tax or appropriates any money exceeding \$1,000 shall be adopted, unless it shall have been introduced at a Council meeting at least ten (10) days prior to its final adoption.
- D. *When ordinance required.* Every legislative act of the Council establishing or modifying the compensation of any City officer or employee, making any appropriation, authorizing the borrowing of money, levying a tax, establishing any rule or policy enforceable by a fine or penalty, or placing any burden upon or limiting the use of private property, shall be by ordinance.
- E. *When full majority required.* No ordinance that imposes any tax, authorizes the borrowing of any money, or appropriates any amount of money exceeding \$500 shall be adopted by the Council, unless it shall have received the affirmative votes of a majority of the whole Council.
- F. *Authentication.* Each ordinance or resolution, upon its final passage, shall be authenticated by the signatures of the Mayor and the City Clerk and permanently recorded with the City Clerk.

§ 2-6. City Budget process.

- A. *Fiscal year.* The fiscal year of the City begins on the first day of July and ends on the last day of June.
- B. *Submission of proposed budget.* Each year, the City Manager shall prepare and submit to the Council, for its consideration, a proposed budget for the upcoming fiscal year, based upon detailed estimates provided by City staff according to a classification as nearly uniform as is practicable. The proposed budget shall present such other information as may be required by law or requested by the Council. An initial proposed budget shall be presented to Council at least ninety (90) days prior to the end of the fiscal year, and after receiving input from the Council, a final proposed budget shall be ready for introduction and adoption at a Council meeting at least sixty (60) days prior to the end of the fiscal year.
- C. *Consideration of proposed budget.* A summary of the proposed budget shall be published consistent with law, along with notice of a public hearing for such proposal. After the public hearing, the Council may insert any new item of expenditure or may increase, decrease, or strike out any item of expenditure, provided that no item of expenditure for debt service or that is otherwise required to be included by law may be reduced or stricken out.
- D. *Adoption of final budget.* Prior to the end of each fiscal year, the Council shall adopt an appropriation ordinance based upon the proposed budget and shall levy any tax and fee as is necessary to pay for each appropriation made and any amount required by law to service the City debt. The total amount of City spending shall not exceed the estimated amount of City revenue, except in accordance with this Charter.

CHAPTER 3. APPOINTED OFFICES

§ 3-1. City Manager.

- A. *Appointment and qualifications.* The Council shall appoint a City Manager for an indefinite term. The City Manager shall be chosen solely on the basis of executive and administrative qualification, with special reference to actual experience in, or knowledge of, accepted practice in respect to the powers and duties of such office. The City Manager need not be a resident of the City or the Commonwealth at the time of appointment, but the City Manager shall reside within the City while holding such office. The City Manager may, with the consent of the Council, designate some properly qualified person to perform the duties of City Manager in case of absence or inability.
- B. *Duties.* The City Manager shall be the chief executive officer of the City, shall keep the Council fully advised as to any present or future need of the City, and shall be responsible to the Council for the proper and efficient administration of the City government, and all of its affairs.
- C. *Powers.* In the furtherance of these duties, the City Manager has the power, consistent with law, to:
 - 1. receive notification of and attend every Council meeting, along with the right to take part in the discussion, but having no vote;
 - 2. make reports and recommendations to the Council, as required or deemed advisable;
 - 3. submit to the Council a proposed annual budget with his recommendations, consistent with law, and to execute the budget as adopted;
 - 4. take care that every City law is faithfully executed;
 - 5. make and execute any contract on behalf of the City;
 - 6. exercise supervision and control over each City administrative department and division, and except for the purpose of inquiry, the Council and its members shall deal with the administrative service solely through the City Manager, and neither the Council nor any member thereof shall give any public or private order to any subordinate of the City Manager;
 - 7. receive notification of and attend every meeting of every City board or commission created by ordinance, along with the right to take part in the discussion, but having no vote unless the ordinance creating the same shall expressly authorize such voting power;
 - 8. appoint each City officer and employee, except for those subordinates the City Manager authorizes a department Director responsible to him to appoint for such department, and to remove any such officer or employee, consistent with law. Neither the Council nor any of its members shall direct the City Manager or any subordinate thereof to appoint or remove any City officer or employee, provided that this Subsection shall not be interpreted as prohibiting any Council member from discussing any appointment or removal with the City Manager; and
 - 9. exercise such other powers as are required by law.

§ 3-2. City Attorney.

- A. *Appointment and qualifications.* The Council shall appoint a City Attorney for an indefinite term. The City Attorney shall be an attorney actively licensed to practice in the Commonwealth.
- B. *Duties.* The City Attorney shall be chief legal advisor of the Council, the City Manager, and each City department, board, and commission in any matter affecting the interests of the City, and shall, upon request, provide a written opinion on any question of law involving their respective powers and duties.

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- C. *Powers.* In the furtherance of these duties, the City Attorney has the power, consistent with law, to:
1. receive notification of and attend every Council meeting;
 2. prepare any ordinance or resolution for introduction and examine any existing ordinance or resolution and provide an official opinion as to its form and legality, upon the request of the City Manager or a member of the Council;
 3. exercise management and control over any legal matter involving the City or in which it has an interest, and shall represent the City as counsel in any civil case in which it has an interest, and in any criminal case in which the validity of a City law is at issue;
 4. initiate and conduct any legal proceeding deemed necessary to protect the interests of the City;
 5. draft or approve as to form any deed, lease, contract, bond, or other legal instrument to which the City is a party or in which it has an interest;
 6. appoint and remove such Deputy and Assistant City Attorneys and other employees as are authorized by the Council, and may authorize any such Deputy or Assistant City Attorney, or any special counsel, to perform any duty entrusted to the City Attorney by law; and
 7. perform such other duties and exercise such other powers as are required by law.

§ 3-3. City Clerk.

- A. *Appointment and qualifications.* The Council shall appoint a City Clerk for an indefinite term. The City Clerk may hold any other office or position in the City government if appointed by the Council or the City Manager.
- B. *Duties.* The City Clerk shall be the clerk of the Council, shall keep the journal of its proceedings, and shall permanently record and maintain each ordinance and resolution it adopts. The Clerk shall make all required public notices upon behalf of the Council and shall notify each person appointed by the Council to a City office of such appointment. The Clerk shall be the custodian of the corporate seal of the City and is authorized to use and authenticate such seal. Any record maintained by the City Clerk is a public record and the Clerk shall make the same available for inspection in accordance with law.
- C. *Powers.* The City Clerk may appoint and remove such Deputy Clerks and other employees as are authorized by the Council, and may authorize any such Deputy to perform any duty entrusted to the City Clerk, unless it be some duty that may not be delegated by law. The Clerk shall perform such other duties and exercise such other powers as are required by law.

CHAPTER 4. ELECTED OFFICERS

§ 4-1. Elections for constitutional offices.

- A. *Application.* This Section shall apply to the constitutional offices of City Treasurer, Commissioner of the Revenue, Attorney for the Commonwealth, City Sheriff, and Clerk of the Circuit Court. Each constitutional office identified herein shall be filled by election by the qualified voters of the City. Candidates for any constitutional office shall be nominated as provided by the laws of the Commonwealth, and the laws of the Commonwealth relating to the conduct of elections shall be applicable to the conduct of elections required by this Section. A vacancy in any office identified herein shall be filled as provided by the laws of the Commonwealth.
- B. *Elections.* On the first Tuesday after the first Monday in November, 2025, there shall be elected by the qualified voters of the City, a City Treasurer, a Commissioner of the Revenue, an Attorney for the Commonwealth, and a City Sheriff, for a four (4) year term which shall begin January 1, 2026. On the first Tuesday after the first

Monday in November, 2027, there shall be elected by the qualified voters of the City, a Clerk of the Circuit Court for an eight (8) year term which shall begin January 1, 2028.

§ 4-2. City Treasurer.

- A. *Duties and powers.* The City Treasurer shall be the custodian of all money belonging to the City or coming into its possession. The Treasurer shall select each bank, savings and loan association, and trust company used to keep and preserve such money in, subject to the right of the Council to require that such money on deposit be secured by the pledge of appropriate collateral. The Treasurer shall have custody of any investment and the proceeds thereof belonging to the City or in its possession in a fiduciary capacity, unless otherwise provided by law or the terms of any trust. The Treasurer shall be responsible for the protection, receipt, and delivery of any City bond or note for transfer, registration, and exchange. The Treasurer shall perform such other duties and exercise such other powers, as are required of such office by law.
- B. *Collection of taxes and fees.* The City Manager shall assign additional responsibility for the collection of any charge for services performed or provided by the City and any tax, assessment, or other amount due or owed thereto to City staff, consistent with law. Such staff have every power and duty relating to the enforcement and collection of revenue and other charges which is vested by law in local treasurers.
- C. *Investment of idle funds.* If authorized by the Council, any designated City officer may invest or deposit any idle funds belonging to or in the possession of the City, including but not limited to the proceeds of any bond pending the use of such proceeds for the purpose for which such bond was issued, in any security, investment, or revenue-producing deposit allowed by law.

§ 4-3. Commissioner of the Revenue.

- A. *Duties and powers.* The Commissioner of the Revenue shall perform such duties relating to the assessment of personal property and licenses as are required by the Council, consistent with law. The Commissioner shall provide any report relating to the assessment of personal property and licenses upon the request of the Council or the City Manager, and shall exercise such other powers and perform such other duties as are required by law.
- B. *Assessment of real estate.* The assessment of real estate for taxation shall be performed by a City Assessor. The City Assessor shall be appointed with the consent of the City Manager and shall exercise every power and perform every duty vested by law in a commissioner of revenue or other assessor relating to the assessment of real property.

§ 4-4. The Attorney for the Commonwealth.

The Attorney for the Commonwealth shall prosecute any criminal violation of a City law, including upon appeal, and shall perform such other duties and exercise such other powers as are required of such office by law.

§ 4-5. The City Sheriff.

The City Sheriff shall perform such duties and exercise such powers as are required of such office by law.

§ 4-6. Clerk of the Circuit Court.

The Clerk of the Circuit Court shall notify each person elected by the qualified voters of the City pursuant to this Charter of such election and shall exercise such other powers and perform such other duties as are required by law.

§ 4-7. School board.

- A. *Composition.* The School Board of the City is and shall continue to be a body corporate organized pursuant to the laws of the Commonwealth of Virginia under the name of the School Board of the City of Danville. The School Board shall consist of seven (7) members, who shall each be a qualified voter of the City.
- B. *Elections.* Each member of the School Board shall be elected by the qualified voters of the City, at large. Candidates for School Board shall be nominated as provided by the laws of the Commonwealth, and the laws of the Commonwealth relating to the conduct of elections shall be applicable to the conduct of elections required by this Section. Any vacancy occurring in the School Board shall be filled pursuant to the laws of the Commonwealth. On the first Tuesday after the first Monday in November, 2022, there shall be elected by the qualified voters of the City three (3) School Board members whose terms shall begin January 1, 2023, and expire January 1, 2027. On the first Tuesday after the first Monday in November, 2024, there shall be elected by the qualified voters of the City four (4) School Board members whose terms shall begin January 1, 2025 and expire January 1, 2029. Each succeeding two (2) years after 2024, on the first Tuesday after the first Monday in November, there shall be elected four (4) or five (5) councilmen, as the case may be, to serve for terms of four (4) years beginning and expiring on January 1, to fill the vacancies caused by the expiration of the previous terms of office. If, subsequent to the adoption of this Charter, the laws of the Commonwealth allow local school boards to hold elections in May, then in the next general election that occurs at least one (1) year subsequent to such allowance, School Board elections shall instead be conducted in May rather than November and terms shall expire July 1 rather than January 1.
- C. *Duties and powers.* The School Board is hereby charged with supervision and management of every public school within the City and has and may exercise each and every power and be subject to every limitation which is now or may be later vested in school boards of cities by the laws of the Commonwealth.

EXHIBIT “B”

Redline Version Showing Charter Amendments

CHARTER

CHAPTER 1. INCORPORATION; CHARTER

§ 1-1. Creation; general powers.

- A. The residents living within the territorial boundaries of the City of Danville, as established by law, are and shall continue to be a body politic and corporate organized pursuant to the laws of the Commonwealth of Virginia as a municipal corporation under the name of the City of Danville and as such shall have perpetual succession, may sue and be sued, contract and be contracted with, and may have a corporate seal which it may alter at its pleasure.
- B. The City has and may exercise each and every power which is now or may later be vested in or delegated to cities, to localities generally, or to officers thereof under the Constitution and laws of the Commonwealth and all every other power relating to the conduct of a city government, the exercise of which is not inconsistent with such Constitution and laws, as fully and completely as though each such power is expressly enumerated in this Charter. No enumeration of any specific power in this Charter shall be interpreted as being exclusive, but rather as being in addition to this general grant of powers. The powers herein granted include, but are not limited to, all powers available to cities, localities generally, and to officers thereof under Title 15.2 of the Virginia Code.

§ 1-2. Territorial boundaries.

The territorial boundaries of the City are and shall continue to be those defined in the Act of the General Assembly approved April 20, 1903, being Chapter 162, at Page 237, of the Virginia Acts of Assembly of 1903, and as enlarged by those court orders and decrees recorded in the land records of the Circuit Court of the City of Danville, Virginia in the following places: Deed Book 74, at Page 264; Deed Book 152, at Page 345; Deed Book 217, at Page 462; Deed Book 247, at Page 98; Deed Book 286, at Page 445; Deed Book 298, at Page 391; Deed Book 307, at Page 479; Deed Book 343, at Page 31; Deed Book 385, at Page 17; Deed Book 396, at Page 611; Deed Book 396, at Page 616; Deed Book 477, at Page 65; Deed Book 503, at Page 27; Deed Book 518, at Page 394; Deed Book 518, at Page 400; Deed Book 518, at Page 406; Deed Book 590, at Page 382; and Deed Book 869, at Page 522. Any change to the territorial boundaries of the City made after the effective date of this Charter need not be expressly enumerated herein to take effect.

§ 1-3. Vesting of administration and governance.

The administration and governance of the City is vested in the Council of the City of Danville, and in such other boards and officers established by this Charter or by law.

§ 1-4. Title to streets and other public ways.

The City is hereby vested with the fee simple title to every public street, alley, and public right-of-way within the territorial boundaries of the City.

CHAPTER 2. THE COUNCIL

§ 2-1. Council composition and membership.

The governing body of the City is the Council, which consists of nine (9) members, who are elected by the qualified voters of the City, at large, to a four (4) year term.. On the first Tuesday after the first Monday in November,

2022, there shall be elected by the qualified voters of the City four (4) Council members whose terms shall begin January 1, 2023, and expire December 31, 2026. On the first Tuesday after the first Monday in November, 2024, there shall be elected by the qualified voters of the City five (5) Council members whose terms shall begin January 1, 2025 and expire December 31, 2028. Each succeeding two (2) years after 2024, on the first Tuesday after the first Monday in November, there shall be elected four (4) or five (5) Council members, as the case may be, to serve for terms of four (4) years beginning on January 1, and expiring on December 31, to fill the vacancies caused by the expiration of the previous terms of office. If, subsequent to the adoption of this Charter, the laws of the Commonwealth allow local governing bodies to hold elections in May, then in the next general election that occurs at least one (1) year subsequent to such allowance, Council elections shall instead be conducted in May rather than November and terms shall expire July 1 rather than January 1.

§ 2-2. Candidates for Council.

Any candidate seeking to be elected to the Council shall be nominated as provided by law.

§ 2-3. Conduct of Council elections.

Each general Council election shall be conducted in accordance with the laws of the Commonwealth.

§ 2-4. Council vacancies.

- A. If a vacancy in the Council occurs in a year other than that in which the term expires, then the vacancy shall be filled by special election. In such case, the Council shall, within fifteen (15) days of the occurrence of the vacancy, petition the Circuit Court to issue a writ of election to fill the vacancy. Any special election required by this Section shall be conducted on the date of the earliest general election following the occurrence of the vacancy, unless the occurrence is within ninety (90) days of the earliest general election, in which case the special election shall occur in the following general election. The Council may fill a vacancy with an interim appointment until such time as the vacancy is otherwise filled by special election.
- B. If a vacancy in the Council shall occur in the same year as the expiration of the term, then the vacancy shall be filled for the unexpired term through appointment by the Council. In such case, the Council shall, within forty-five (45) days of the occurrence of the vacancy, appoint an interim replacement to serve until the expiration of the term. No person shall be appointed to fill a vacancy unless such person is a qualified voter of the City and receives the votes of at least a majority of the remaining Council members. If a majority of the remaining Council members are unable to fill the vacancy within forty-five (45) days of the occurrence of the vacancy, such vacancy shall be filled by appointment by a majority of the judges of the Circuit Court, until a special election to fill the vacancy is conducted in accordance with law.

§ 2-5. Council organization.

- A. An inaugural meeting of the Council shall take place in the Council chamber in the Municipal Building at twelve o'clock noon (12:00 P.M.) on the first business day of January of each odd-numbered year. The meeting shall be called to order by the City Clerk, or if absent or unable, the City Attorney, who shall administer the oath of office to the newly elected members of the Council. If, subsequent to the adoption of this Charter, the laws of the Commonwealth allow local governing bodies to hold elections in May, then after the first general election that occurs in May, the inaugural meeting of the Council shall instead be conducted in July of each even-numbered year rather than January of each odd-numbered year.
- B. The first item of business at the inaugural meeting shall be the selection of a Mayor and Vice Mayor, and the Council shall not adjourn until a Mayor and Vice Mayor are selected. The Council shall select, by majority vote of all its members a Mayor and a Vice Mayor from among its members for the ensuing two (2) years.

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- C. The Mayor shall act as president of the Council, shall preside at meetings of the Council, and shall perform such other duties consistent with this office as may be required by the Council. The Mayor shall be entitled to vote and speak the same as any other member, but shall possess no veto power. The Mayor shall be recognized as the head of the City government for all official functions and ceremonial purposes, the purposes of military law, and may use the title of Mayor in any case in which the execution of legal documents, or other necessity arising from law, may so require, provided that this authority shall not be construed as vesting any administrative function or other power of an executive officer under law.
- D. The Vice Mayor shall, in the absence or inability of the Mayor, perform the duties of Mayor, and if a vacancy shall occur in the office of Mayor, shall become Mayor for the unexpired portion of the term. In the absence or inability of both the Mayor and Vice Mayor from any meeting, the Council shall select an acting Mayor from amongst its members. If a vacancy shall occur in the office of Vice Mayor, the Council shall select, by majority vote of all its members a Vice Mayor from among its members for the remaining term.

§ 2-6. Ineligibility for other offices.

No Council member shall, while holding such office and for one (1) year thereafter, be employed or appointed to any paid office of the City government, provided that the Council is expressly authorized to appoint one (1) of its members to serve as a Commissioner of the Danville Redevelopment and Housing Authority.

§ 2-7. Misconduct of members; compelling attendance of members.

The Council may punish any member for misconduct and may compel the attendance of any member in such manner and under such penalty as may be required by law.

§ 2-8. The Council to be continuing body.

The Council is a continuing body and no measure pending before it shall expire or be discontinued due to the expiration of a term of office or a change in Council membership.

§ 2-9. Vesting of legislative powers.

The Council is hereby vested with full power and authority to exercise each and every legislative power vested in the City, except as otherwise provided in this Charter or by law.

§ 2-10. Quorum.

A quorum, consisting of a majority of the whole Council is required to conduct official business, however a smaller number of Council members may adjourn meetings if a quorum is not present.

§ 2-11. Rules of procedure.

The Council has the power to adopt its own rules of procedure, subject to the provisions of this Charter. Such rules shall establish the time and location of regular Council meetings, provided that at least one (1) is held in each month. Such rules shall authorize special meetings at the request of the Mayor or any two (2) Council members, and shall establish the method of giving notice thereof, consistent with law, and no item of business may be considered at such meeting unless included in the notice or the whole Council is present.

§ 2-12. Rescinding or reconsidering vote at special meeting.

No vote taken at a previous meeting shall be rescinded or reconsidered at any special meeting, unless there are at least as many members present at such special meeting as were present when such previous vote was taken.

§ 2-13. Authority to make and enforce ordinances, rules, and policies.

The Council may make and enforce any ordinance, rule, and policy it deems necessary or expedient to carry into effect any of its powers and may establish such penalty for the violation thereof, consistent with law.

§ 2-14. Adoption of ordinances and resolutions generally; effective dates.

- A. No ordinance, resolution, motion, or vote shall be adopted by the Council, except at a meeting open to the public and, unless it shall have received the affirmative votes of at least a majority of those members present and voting, excepting any motion to adjourn, recess, or any other similar motion of a purely procedural nature,
- B. Any Council member or committee may introduce an ordinance or resolution at any Council meeting if the subject thereof has been included in the notice therefor or is otherwise approved by the unanimous consent of every Council member present. Any ordinance or resolution may be voted on and passed at the meeting in which it is introduced, except as otherwise provided by law, and shall become effective upon adoption unless otherwise provided by the Council.

§ 2-15. Certain acts to be by ordinance.

Every legislative act of the Council establishing or modifying the compensation of any City officer or employee, making any appropriation, authorizing the borrowing of money, levying a tax, establishing any rule or policy enforceable by a fine or penalty, or placing any burden upon or limiting the use of private property, shall be by ordinance.

§ 2-16. Certain ordinances not to be passed until ten days after introduction.

No ordinance that imposes any tax or appropriates any money exceeding \$1,000 shall be adopted, unless it shall have been introduced at a Council meeting at least ten (10) days prior to its final adoption.

§ 2-17. Recordation and authentication of ordinances and resolutions.

Each ordinance or resolution, upon its final passage, shall be authenticated by the signatures of the Mayor and the City Clerk and permanently recorded with the City Clerk.

§ 2-20. Power with respect to management and use of City property; prevention of pollution to water supply.

- A. The Council may provide for the protection, management, and use of all real and personal property owned by the City, whether such property is located within or outside the territorial boundaries of the City, and such City property, wherever located and for whatever purpose it is used, is under the police jurisdiction of the City for the purpose of enforcing any law, rule, or policy made pursuant to this power, consistent with law.
- B. To protect the City water supply, the Council may provide for the prevention of pollution of such water supply, including but not limited to the water in the Dan River and any tributary thereof, whether located within or outside the territorial boundaries of the City. Accordingly, the Council may prohibit the introduction of pollutants and other foreign matter therein for a distance of three (3) miles above the territorial boundaries of the City, and may punish any offender by fine, imprisonment, or both, and may enjoin any person from causing such pollution.

CHAPTER 3. CITY MANAGER

§ 3-1. Appointment; term; qualifications.

The Council shall appoint a City Manager for an indefinite term. The City Manager shall be chosen solely on the basis of executive and administrative qualification, with special reference to actual experience in, or knowledge of, accepted practice in respect to the powers and duties of such office. The City Manager need not be a resident of the City or the Commonwealth at the time of appointment, but the City Manager shall reside within the City while holding such office.

§ 3-2. Acting City Manager.

The City Manager may, with the consent of the Council, designate some properly qualified person to perform the duties of City Manager in case of absence or inability.

§ 3-3. Powers and duties.

- A. The City Manager shall be the chief executive officer of the City and shall be responsible to the Council for the proper and efficient administration of the City government, and all of its affairs.
- B. In the furtherance of these duties, the City Manager has the power, consistent with law, to :
 - 1. take care that every City law is faithfully executed;
 - 2. exercise supervision and control over each City administrative department and division, and except for the purpose of inquiry, the Council and its members shall deal with the administrative service solely through the City Manager, and neither the Council nor any member thereof shall give any public or private order to any subordinate of the City Manager;
 - 3. receive notification of and attend every Council meeting, along with the right to take part in the discussion, but having no vote;
 - 4. make reports and recommendations to the Council, as required or deemed advisable;
 - 5. make and execute any contract on behalf of the City;
 - 6. submit to the Council a proposed annual budget with his recommendations, consistent with law, and to execute the budget as adopted;
 - 7. keep the Council fully advised as to any present or future need of the City;
 - 8. receive notification of and attend every meeting of every City board or commission created by ordinance, along with the right to take part in the discussion, but having no vote unless the ordinance creating the same shall expressly authorize such voting power;
 - 9. appoint each City officer and employee, except for those subordinates the City Manager authorizes a department Director responsible to him to appoint for such department, and to remove any such officer or employee, consistent with law. Neither the Council nor any of its members shall direct the City Manager or any subordinate thereof to appoint or remove any City officer or employee, provided that this Subsection shall not be interpreted as prohibiting any Council member from discussing any appointment or removal with the City Manager; and
 - 10. exercise such other powers as are required by law.

CHAPTER 4. CITY CLERK

§ 4-1. Appointment; powers and duties.

The Council shall appoint a City Clerk for an indefinite term. The City Clerk shall be the clerk of the Council, shall keep the journal of its proceedings, and shall permanently record and maintain each ordinance and resolution it adopts. The Clerk shall make all required public notices upon behalf of the Council and shall notify each person appointed by the Council to a City office of such appointment. The Clerk shall be the custodian of the corporate seal of the City and is authorized to use and authenticate such seal. The Clerk shall perform such other duties and exercise such other powers as are required by law.

§ 4-3. Holding other City office.

The City Clerk may hold any other office or position in the City government if appointed by the Council or the City Manager.

§ 4-4. Deputies and other employees.

The City Clerk may appoint and remove , such Deputy Clerks and other employees as are authorized by the Council, and may authorize any such Deputy to perform any duty entrusted to the City Clerk, unless it be some duty that may not be delegated by law ..

§ 4-5. Inspection of records.

Any record maintained by the City Clerk is a public record and shall be available for inspection in accordance with law.

CHAPTER 5. CITY ATTORNEY

§ 5-1. Appointment; qualifications.

The Council shall appoint a City Attorney for an indefinite term. The City Attorney shall be an attorney actively licensed to practice in the Commonwealth.

§ 5-2. General powers and duties.

The City Attorney shall:

1. be the chief legal advisor of the Council, the City Manager, and each City department, board, and commission in any matter affecting the interests of the City, and shall, upon request, provide a written opinion on any question of law involving their respective powers and duties;
2. prepare any ordinance or resolution for introduction and examine any existing ordinance or resolution and provide an official opinion as to its form and legality, upon the request of the City Manager or a member of the Council;

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3. draft or approve as to form any deed, lease, contract, bond, or other legal instrument to which the City is a party or in which it has an interest;
 4. exercise management and control over any legal matter involving the City or in which it has an interest, and shall represent the City as counsel in any civil case in which it has an interest, and in any criminal case in which the validity of a City law is at issue;
 5. initiate and conduct any legal proceeding deemed necessary to protect the interests of the City;
 6. attend every Council meeting; and
 7. perform such other duties and exercise such other powers as are required by law.

§ 5-3. Authority as to assistants and other employees.

The City Attorney may appoint and remove such Deputy and Assistant City Attorneys and other employees as are authorized by the Council, and may authorize any such Deputy or Assistant City Attorney, or any special counsel, to perform any duty entrusted to the City Attorney by law.

CHAPTER 6. SCHOOL BOARD

§ 6-1. Body corporate; powers and duties.

The School Board of the City is and shall continue to be a body corporate organized pursuant to the laws of the Commonwealth of Virginia under the name of the School Board of the City of Danville. The School Board is hereby charged with supervision and management of every public school in the City and has and may exercise each and every power and be subject to every limitation which is now or may be later vested in school boards of cities by the laws of the Commonwealth.

§ 6-2. Composition; appointment and terms of members; filling of vacancies.

The School Board shall consist of seven (7) members, who shall be qualified voters of the City, at large. Candidates for School Board shall be nominated as provided by the laws of the Commonwealth, and the laws of the Commonwealth relating to the conduct of elections shall be applicable to the conduct of elections required by this Section. Any vacancy occurring in the School Board shall be filled pursuant to the laws of the Commonwealth. On the first Tuesday after the first Monday in November, 2022, there shall be elected by the qualified voters of the City three (3) School Board members whose terms shall begin January 1, 2023, and expire January 1, 2027. On the first Tuesday after the first Monday in November, 2024, there shall be elected by the qualified voters of the City four (4) School Board members whose terms shall begin January 1, 2025 and expire January 1, 2029. Each succeeding two (2) years after 2024, on the first Tuesday after the first Monday in November, there shall be elected four (4) or five (5) councilmen, as the case may be, to serve for terms of four (4) years beginning and expiring on January 1, to fill the vacancies caused by the expiration of the previous terms of office. If, subsequent to the adoption of this Charter, the laws of the Commonwealth allow local school boards to hold elections in May, then in the next general election that occurs at least one (1) year subsequent to such allowance, School Board elections shall instead be conducted in May rather than November and terms shall expire July 1 rather than January 1. Any vacancy occurring in the School Board shall be filled pursuant to the laws of the Commonwealth.

CHAPTER 8. FINANCE AND TAXATION GENERALLY

§ 8-1. Fiscal year.

The fiscal year of the City begins on the first day of July and ends on the last day of June.

§ 8-2. City Treasurer.

The City Treasurer shall be the custodian of all money belonging to the City or coming into its possession. The Treasurer shall select each bank, savings and loan association, and trust company used to keep and preserve such money in, subject to the right of the Council to require that such money on deposit be secured by the pledge of appropriate collateral. . The Treasurer shall have custody of any investment and the proceeds thereof belonging to the City or in its possession in a fiduciary capacity, unless otherwise provided by law or the terms of any trust. The Treasurer shall be responsible for the protection, receipt, and delivery of any City bond or note for transfer, registration, and exchange. The Treasurer shall perform such other duties and exercise such other powers, as are required of such office by law.

§ 8-3. Commissioner of the Revenue.

The Commissioner of the Revenue shall perform such duties relating to the assessment of personal property and licenses as are required by the Council, consistent with law. The Commissioner shall provide any report relating to the assessment of personal property and licenses upon the request of the Council or the City Manager, and shall exercise such other powers and perform such other duties as are required of such office by law.

§ 8-4. Assessment of real estate.

The assessment of real estate for taxation shall be performed by a City Assessor. The City Assessor shall be appointed with the consent of the City Manager and shall exercise every power and perform every duty vested by law in a commissioner of revenue or other assessor relating to the assessment of real property.

§ 8-5. Collection of revenue and other charges.

A. The City Manager shall assign additional responsibility for the collection of any charge for services performed or provided by the City and any tax, assessment, or other amount due or owed thereto to City staff, consistent with law. Such staff have every power and duty relating to the enforcement and collection of revenue and other charges which is vested by law in local treasurers.

§ 8-6. Submission of proposed budget.

Each year, the City Manager shall prepare and submit to the Council, for its consideration, a proposed budget for the upcoming fiscal year, based upon detailed estimates provided by City staff according to a classification as nearly uniform as is practicable. The proposed budget shall present such other information as may be required by law or requested by the Council. An initial proposed budget shall be presented to Council at least ninety (90) days prior to the end of the fiscal year, and after receiving input from the Council, a final proposed budget shall be ready for introduction and adoption at a Council meeting at least sixty (60) days prior to the end of the fiscal year.

§ 8-7. Consideration of proposed budget.

A summary of the proposed budget shall be published consistent with law, and notice given for a public hearing on such proposal. After the public hearing, the Council may insert any new item of expenditure or may increase, decrease, or strike out any item of expenditure, provided that no item of expenditure for debt service or that is otherwise required to be included by law may be reduced or stricken out.

§ 8-8. Adoption of final budget.

Prior to the end of each fiscal year, the Council shall adopt an appropriation ordinance based upon the proposed budget and shall levy any tax and fee as is necessary to pay for each appropriation made and any amount required by law to service the City debt. The total amount of City spending shall not exceed the estimated amount of City revenue, except in accordance with this Charter.

§ 8-9. Tax and appropriation ordinances require majority vote.

No ordinance that imposes any tax, authorizes the borrowing of any money, or appropriates any amount of money exceeding \$500 shall be adopted by the Council, unless it shall have received the affirmative votes of a majority of the whole Council.

§ 8-10. Exemption from taxation of City-owned property outside city.

Any real or personal property owned by the City that is located outside the territorial boundaries of the City, and is used by the City consistent with its powers and duties, is exempt from taxation by the government of any locality in which such property is physically located.

§ 8-11. Investment or deposit of idle funds.

If authorized by the Council, any designated City officer may invest or deposit any idle funds belonging to or in the possession of the City, including but not limited to the proceeds of any bond pending the use of such proceeds for the purpose for which such bond was issued, in any security, investment, or revenue-producing deposit allowed by law.

CHAPTER 9. CITY INDEBTEDNESS

§ 9-1. Power of Council to incur debt.

The Council may, in the name and for the use of the City, contract debts, and cause to be issued therefor notes or bonds, in the manner provided by law and subject to the restrictions imposed upon cities by the Constitution and laws of the Commonwealth, including but not limited to the Virginia Public Finance Act.

§ 9-2. Previously authorized bonds.

The authority to issue any bond, the issuance of which was legally authorized prior to the effective date of this Charter, shall not lapse, terminate, or be otherwise affected by reason of any provision herein, and any such bond may be sold or issued in accordance with the ordinance authorizing its issuance and with any provision of law in force prior to the effective date of this Charter, or in accordance with this Charter.

CHAPTER 10. MISCELLANEOUS PROVISIONS

§ 10-1. Clerk of the Circuit Court.

The Clerk of Court shall notify each person elected by the qualified voters of the City pursuant to this Charter of such election. The Clerk of Court shall exercise such other powers and perform such other duties as are required of such office by law.

§ 10-2. Oath of officers.

Every person elected by the qualified voters of the City or appointed by the Council to any City office, including, but not limited to, any City board or commission created by ordinance, shall take the oath of office required of a State officer by law, prior to assuming such office. Such oath may be administered by any person allowed by law to administer such oath, including, but not limited to, the City Clerk, and a written document certifying the giving of such oath shall be filed with and maintained by the City Clerk.

§ 10-4. Effect of failure to take oath of office or give required bond.

If any person elected or appointed to any City office fails to take the oath or give any required bond by the day of the initial meeting or on which the term begins, , then such office shall be deemed vacant, and another election or appointment shall be made for such office in accordance with law.

§ 10-5. Officers to serve until successors appointed and qualified.

Whenever any City officer, including, but not limited to, any City board or commission created by ordinance is elected or appointed for a fixed term, such officer shall continue to hold office until a successor is elected or appointed to such office and satisfies all qualifications to hold such office, consistent with law.

§ 10-6. Terms of officers and members of boards and commissions in office on effective date of Charter.

Any City officer, including, but not limited to, any City board or commission created by ordinance, who is elected or appointed for a specified term beginning prior to the effective date of this Charter and whose term has not yet expired upon such effective date shall continue to hold such office until the original term expires.

§ 10-7. The Commonwealth's Attorney.

The Attorney for the Commonwealth shall prosecute any criminal violation of a City law, including upon appeal, and shall perform such other duties and exercise such other powers as are required of such office by law .

§ 10-10. Continuation of existing contracts and obligations.

Every contract and obligation made by the Council or the City government prior to the effective date of this Charter is hereby continued in full and remains a valid and legal obligation of the City, consistent with law.

§ 10-11. Continuation of existing ordinances, resolutions, and rules.

Every City ordinance and resolution and every rule, policy, and order legally made by any City department, board, or officer, in force upon the effective date of this Charter is hereby continued in full and remains valid.

§ 10-12. Severability of Charter provisions.

If any portion, section, or provision of this Charter is declared illegal, invalid, or unconstitutional by final judgment of any court of competent jurisdiction, then to the maximum extent allowed by law, such judgment shall not be interpreted as invalidating any other portion, section, or provision hereof, and every part of the Charter not expressly affected by such judgment shall be continued in full and remain in full force and effect.

§ 10-15. The City Sheriff.

The City Sheriff shall perform such duties and exercise such powers as are required of such office by laws.

§ 10-16. Elections for certain offices.

This Section shall apply to the constitutional offices of City Treasurer, Commissioner of the Revenue, Attorney for the Commonwealth, City Sheriff, and Clerk of the Circuit Court. Each constitutional office identified herein shall be filled by election by the qualified voters of the City. Candidates for any constitutional office shall be nominated as provided by the laws of the Commonwealth, and the laws of the Commonwealth relating to the conduct of elections shall be applicable to the conduct of elections required by this Section. A vacancy in any office identified herein shall be filled as provided by the laws of the Commonwealth. On the first Tuesday after the first Monday in November, 2025, there shall be elected by the qualified voters of the City, a City Treasurer, a Commissioner of the Revenue, an Attorney for the Commonwealth, and a City Sheriff, for a four (4) year term which shall begin January 1, 2026. On the first Tuesday after the first Monday in November, 2027, there shall be elected by the qualified voters of the City, a Clerk of the Circuit Court for an eight (8) year term which shall begin January 1, 2028.

§ 10-17. Rules of construction.

A. *Rules of construction.* In the interpretation of this Charter, the following rules of construction are used, unless such interpretation is inconsistent with the clear intention of the Charter:

1. *Computation of time and date.* Whenever a particular time is referred to in this Charter, the applicable time is Eastern Standard Time or Daylight-Saving Time, whichever is in current use and effect in the City on the applicable date. Whenever a particular date is referred to, the applicable date is based upon the Gregorian calendar in a year calculated *Anno Domini* (A.D.);

2. *Number.* A word used in the singular includes the plural, and a word used in the plural includes the singular;

3. *Tense.* A word used in the past or present tense includes the future;

4. *Headings.* The headings or titles of the several sections and subsections of this Charter are intended as mere catchwords to indicate the contents of the sections and are not part of this Charter.

5. *References to law.* Any general reference in this Charter to law includes, as applicable, the Constitution and laws of the Commonwealth of Virginia as well as the Charter, ordinances, and other laws of the City, as may be amended from time to time.

Exhibit “C”

Appendix for proposed Charter

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Notable substantive changes in proposed Charter

Replaces the current process for borrowing money under the Charter with the process established by State law.

The Virginia Public Finance Act is a State law that establishes a flexible process by which local governments can borrow money and issue bonds. This State process, rather than locking local governments into a single, narrow process in order to borrow, offers a range of potential processes so that local governments can respond to dynamic changes in the economy. The City of Danville does not use the process from the Virginia Public Finance Act, opting instead to use a borrowing process established by the City Charter. This process has not been modified in nearly half a century, and limits the ability of the City to benefit from a range of newer financing options. This process also caps borrowing at a fixed amount that does not change with inflation. Danville is an outlier among Virginia city governments in choosing to use its own process for borrowing rather than the State process.

The proposed Charter would eliminate the current borrowing process and instead adopt the more flexible and advantageous process established by State law.

Reduces the supermajority requirement for certain ordinances to an absolute majority.

The City Charter currently requires a supermajority of six (6) Council Members to pass ordinances involving revenue, spending, and borrowing. State law only requires local governing bodies to pass such ordinances by an absolute majority, which is five (5) Members in Danville. State law also prohibits Council Members from voting on items with which they have a conflict of interest. This could hypothetically result in scenarios where the Council is unable to pass a budget due to abstentions.

The proposed Charter reduces the likelihood that legally required abstentions paralyze the Council by adopting the State requirement that finance-specific ordinances may pass with an absolute majority of the City Council rather than by a supermajority.

Clarifies that most City Council votes require a majority of those present and voting rather than an absolute majority.

The City Charter currently requires an absolute majority of five (5) Council Members to pass any ordinance or resolution. State law only requires local governing bodies to pass ordinances by a majority of those members present and voting. By law, the Council may meet with a quorum of five (5) Council Members present. State law however prohibits Council Members from voting on items with which they have a conflict of interest. This could hypothetically result in Council meetings where a legally assembled quorum of the Council is unable to pass anything due to abstentions.

The proposed Charter reduces the likelihood that legally required abstentions paralyze the Council by adopting the State requirement that ordinances generally may pass with a majority of those present and voting rather than by an absolute majority.

Eliminates the requirement that organizational changes to City departments and divisions must be by ordinance.

The City Charter currently requires the creation, alteration, or abolition of a City department or a division within a department to be by ordinance. This requirement limits the ability of the chief executive to implement administrative best practices and maximize efficiency through consolidating and reorganizing departments and divisions, even if such divisions have overlapping purposes. State law does not include the creation, alteration, or abolition of departments and divisions in its list of things that local governments must do by ordinance.

The proposed Charter eliminates the requirement that organizational changes to City departments be by ordinance.

Clarifies that the City Manager can be a voting member of certain City boards when authorized by City Council.

The City Charter currently states that the City Manager "shall have the right to attend and participate in the proceedings of, but not vote in, the meetings of all boards and commissions...". As written, it is unclear if the phrase "but not vote in" is a total prohibition on the City Manager from voting on any City board even with permission from City Council, or is merely prohibiting the City Manager from voting on any City board by right under the Charter, subject to permission from the Council. City Council has passed several laws that expressly give the City Manager voting rights on particular boards. These include the Utility Commission, the Retirement Board of Trustees, the Memorial Commission, the Transportation Advisory Committee, and the Local Legends Banner Committee.

The proposed Charter clarifies this awkward phrasing by expressly stating that City Council may choose to give the City Manager voting rights on particular boards if done so by ordinance.

Minor substantive changes in proposed Charter

Vice Mayor vacancies. The proposed Charter establishes that City Council can select a new Vice Mayor if the office falls vacant to ensure continuity of government. The City Charter currently provides that a vacancy in the office of Mayor is filled by the Vice Mayor, however the Charter does not provide for the filling of a similar vacancy in the office of Vice Mayor.

City Attorney qualifications. The proposed Charter eliminates the minimum years of practice requirement for City Attorney to fully commit the decision to the wisdom and discretion of City Council.

Serving legal process. The proposed Charter clarifies that the Mayor is not an executive officer of the City for purposes of accepting legal process to reflect organizational division that is already in practice in the City.

City Clerk notices. The proposed Charter clarifies that the City Clerk is responsible for issuing public notices pertaining to City Council actions to reflect organizational division that is already in practice in the City.

City Assessor. The proposed Charter clarifies that the City Assessor of Real Estate can be hired by and subordinate to the Director of Finance, rather than exclusively by and to the City Manager to reflect organizational division that is already in practice in the City.

Future boundary changes. The proposed Charter clarifies that if a future change in the territorial boundaries of the City occurs, the City does not need to amend the Charter to include the deed references for the new boundary prior to the change coming into effect.

Rules of construction. The proposed Charter adopts a few minor rules of construction to aid in interpreting the Charter.

Spending ordinances. The proposed Charter reduces the maximum dollar limit required to be approved by ordinance from \$10,000 to \$500 to reflect a mandatory requirement of State law that is already in practice in the City.

Special meetings. The proposed Charter reduces the number of Council members who can request a special meeting from three (3) to two (2) to reflect a mandatory requirement of State law that is already in practice in the City.

Minor non-substantive technical corrections in proposed Charter

Constitutional offices. The proposed Charter formally establishes the offices of and elections for the City Sheriff, City Treasurer, Commissioner of Revenue, Commonwealth's Attorney, and Clerk of Court to reflect a mandatory requirement of State law that is already in practice in the City.

Special elections. The proposed Charter formally authorizes special elections to fill most City Council vacancies to reflect a mandatory requirement of State law that is already in practice in the City.

Election dates. The proposed Charter formally changes the month of local elections from May to November and the month of the inaugural meeting from July to January to reflect a mandatory requirement of State law that is already in practice in the City. The proposed Charter also includes conditional clauses to revert the months back to May and July respectively, without requiring a Charter amendment, if State law permits local elections in May in the future.

Election years. The proposed Charter resets the calendar years used to identify election terms to the most recent to reflect the new Charter.

Boundaries. The proposed Charter adds the 1988 Annexation Order that is already in effect in the City to the list of the City's boundaries and converts the list from a table to a sentence.

Officer titles. The proposed Charter adds the title Deputy City Attorney to reflect the title that is presently in use in the City.

Division names. The proposed Charter eliminates the agency name Division of Central Collections to allow hypothetical future renaming or consolidation without need of a Charter amendment.

Duplicate powers. The proposed Charter eliminates references to twelve (12) enumerated powers whose inclusion is not required in the Charter in order for the City to exercise such powers.

Duplicate board. The proposed Charter eliminates references to the Board of Zoning Appeals which is now established by the Zoning Ordinance rather than the Charter and whose inclusion is not required in the Charter in order to continue existing.

Duplicate oaths. The proposed Charter eliminates the separate oath for School Board member and instead requires them to take the same oath as all other elected officials.

Duplicative provisions removed from proposed Charter

- 1-5: Power to operate public transit [Already allowed by Va. Code § 15.2-947]
- 2-13: Power to enforce laws by injunction [Already allowed by Va. Code § 15.2-1432]
- 2-18: Power to create departments [Already allowed by Va. Code § 15.2-1107]
- 2-19: Power to operate a public utility [Already allowed by Va. Code § 15.2-2109]
- 2-21: Power to regulate taxicabs [Already allowed by Va. Code § 46.2-2062]
- 4-2: Power to pay a salary to the City Clerk [Already allowed by Va. Code § 15.2-1538]
- 6-3: Oath for School Board Members [Already required by Charter § 10-2 (New § 1-3)]
- 7: Board of Zoning Appeals [Already allowed by Va. Code § 15.2-2308]
- 8-12: Power to donate to certain groups [Already allowed by Va. Code § 15.2-953 & § 15.2-1112]
- 10-3: Power to require City officers to post bond [Already allowed by Va. Code § 15.2-1512]
- 10-8: Power to enforce laws by arrest [Already allowed by Va. Code § 15.2-1124]
- 10-9: Power to issue investigative subpoenas [Already allowed by Va. Code § 15.2-1409]
- 10-13: Power to impose special liens [Already allowed by Va. Code § 15.2-104 & § 15.2-1115]
- 10-14: Power to appoint DRHA Commissioners [Already allowed by Va. Code § 36-11 & § 36-11.2]

Principles of style and grammar in proposed Charter

- Word substitution. The proposed Charter shall replace certain antiquated or obscure words with a more modern, reader-friendly vocabulary when possible. *A list of replaced words is included on Page 8.*
- Phraseology. Similar phrases when repeated throughout the proposed Charter shall be textually consistent and uniform when possible.
- Harmonization. Similar phrases appearing in both the proposed Charter and State law shall match the State law uniformly when possible.
- Non-Duplication of State Law. The proposed Charter shall minimize the duplication of State law when its inclusion is unnecessary in the proposed Charter. *A list of such duplication is included on Page 6.*
- Non-Duplication of internal text. The proposed Charter shall find opportunities to minimize duplication of words and phrases that are used throughout when possible.
- Wordiness. The proposed Charter shall be concise and include as few words as are necessary to accomplish their purpose.
- Descriptors. Common descriptors when used throughout the Charter shall precede the word being modified and not include a preposition when possible. *Ex. "City Council" rather than "Council of the City"*
- Voice. Sentences in the proposed Charter shall be in the active voice when possible.
- Tense. Sentences in the proposed Charter shall be in the present tense when possible.
- Number. Words in the proposed Charter shall be singular rather than plural when possible.
- Numeric Values. Numeric values, other than years, dates, and monetary values, when used in the proposed Charter shall be identified by both word and a bracketed numeral. *Ex. Three (3).*
- Capitalization. Proper nouns, titles, and document citations in the proposed Charter shall be capitalized consistent with best practices. *A list of newly capitalized terms is included on Page 9.*
- Punctuation. The proposed Charter shall be consistent in its use of punctuation. Any listing of more than two (2) things in sentence shall include a comma prior to the word "and" at the end of such listing (the Oxford comma). Any list divided into subsections following a colon shall be separated with semi-colons to maintain a complete sentence. Possessive and contraction apostrophes shall be avoided when possible.
- Citations. Citations and references to Virginia law in the proposed Charter shall be as flexible as possible to allow the proposed Charter to continue without need for amendment if the Virginia law referenced changes its citation.
- Headings. Concise headings shall be provided before each Section and Subsection in the proposed Charter. Vague terms such as etc. shall be avoided in headings.
- Organization. The proposed Charter shall be organized in a logical manner to promote ease of research. Chapters consisting of miscellaneous assortments of sections shall be appropriately sorted. Chapters shall be primarily organized based on function. Short Chapters shall be consolidated with similar Chapters when possible. Short Sections shall be consolidated with similar Sections when possible.

Words replaced in proposed Charter to enhance readability

Abate → Expire
Body → Council
Comprised → Located
Conferred → Vested
Construed → Interpreted
Councilman → Council Member
Filth → Pollutants
For account of → To service
Furnished → Provided
Head → Director
Imposed → Required
Institute → Initiate
Instrument → Document
Limits → Boundaries
Offensive Matter → Foreign Matter
Owing → Owed
Passage → Adoption
Pertinent → Relating
Prescribe → Determine
Prescribed → Required
Regulation → Policy
Rendered → Performed
Situate → Located
State → Commonwealth
Suit → Legal process
Sums → Amounts
Synopsis → Summary
Without → Outside

Newly capitalized words in proposed Charter

Entities

City
City Council
Council
State

Titles

Assistant City Attorney
Attorney for the Commonwealth
City Assessor
City Attorney
City Clerk
City Manager
City Treasurer
Clerk of the Circuit Court
Commissioner of the Revenue
Deputy Clerk
Mayor
Vice Mayor

Places

Municipal Building

Legal Documents

Charter
Page
Section

Other city charters consulted in drafting proposed Charter

Bristol
Charlottesville
Chesapeake
Harrisonburg
Lexington
Lynchburg
Manassas
Martinsville
Norfolk
Petersburg
Portsmouth
Richmond
Roanoke
Salem
Staunton

Comparative statistics between current and proposed Charters

<u>Current Charter</u>	<u>Proposed Charter</u>
- 18 Pages	- 9 Pages (50% Reduction)
- 10 Chapters	- 4 Chapters (60% Reduction)
- 82 Sections	- 20 Sections (76% Reduction)
- 87 Subsections	- 59 Subsections (33% Reduction)
- 8,825 Words	- 5,704 Words (35% Reduction)

Council Letter City of Danville, Virginia



CL - 1498

NEW BUSINESS E.

City Council REGULAR MEETING

Meeting Date: October 1, 2024

Subject: Authorizing the Transfer of Ownership of Thirty-Seven Surplus Vacant Lots to the DRHA.

From: Ken Gillie, Director of Community Development

COUNCIL ACTION

1. Public Hearing
2. A Resolution Declaring Certain City-Owned Property to be Surplus to the Needs of the City and Authorizing the City Manager to Convey Such Property to the Danville Redevelopment and Housing Authority.

SUMMARY

City Staff is seeking approval to transfer ownership of thirty-seven (37) surplus vacant lots throughout the City to the Danville Redevelopment and Housing Authority to promote development and assist with the construction of new, affordable housing.

BACKGROUND

City staff has identified thirty-seven (37) surplus vacant lots located throughout the City that are owned by the City of Danville, that might be better served by being transferred to the ownership of the Danville Redevelopment and Housing Authority. Staff has determined that the City has no current or future intended use for the lots, and they appear to be surplus to the needs of the City. City Staff wishes to transfer the surplus lots to the DRHA to incorporate them into the City's redevelopment plans through its existing trust agreement with DRHA. There are currently not any limitations on the disposition or use of the lots. Transferring these lots would help facilitate the development of new, affordable housing, increase neighborhood property values, eliminate blight, reduce City maintenance costs, and allow for more productive use of the idle, surplus properties.

RECOMMENDATION

City staff recommends approving the transfer of the thirty-seven (37) identified surplus vacant lots to the DRHA to help with the mutual goals of the City and DRHA.

Attachments

1. Resolution
 2. Deed of Gift
-

PRESENTED: _____

ADOPTED: _____

RESOLUTION NO. 2024-_____._____

A RESOLUTION DECLARING CERTAIN CITY-OWNED PROPERTY TO BE SURPLUS TO THE NEEDS OF THE CITY AND AUTHORIZING THE CITY MANAGER TO CONVEY SUCH PROPERTY TO THE DANVILLE REDEVELOPMENT AND HOUSING AUTHORITY.

WHEREAS, the City owns thirty-seven (37) certain parcels of real property, all of which are vacant, have no current or planned use, and are located within the City of Danville (the "Properties") and are more particularly identified as follows:

- 1) Baltimore Avenue (Parcel #59873);
- 2) Briarcliff Lane (Parcel #59820);
- 3) Carlson Avenue (Parcel #60492);
- 4) College Park Drive (Parcel #75953)
- 5) Colquhoun Street (Parcel #22161);
- 6) Cosby Street (Parcel #26424);
- 7) Darby Road (Parcel #26734);
- 8) Dudley Street (Parcel #26153);
- 9) Dula Street (Parcel #60491);
- 10) Forestdale Drive (Parcel #59979)
- 11) Garfield Street (Parcel #26725);
- 12) Henry Street (Parcel #04949);
- 13) High Street (Parcel #26486);
- 14) Lincoln Street (Parcel #26724);
- 15) Lincoln Street (Parcel #76030);
- 16) Lynch Drive (Parcel #77609);
- 17) Monroe Street (Parcel #26501);
- 18) Morris Avenue (Parcel #60493);
- 19) Mt. Cross Road (Parcel #77970);
- 20) N. Main Street (Parcel #04980);
- 21) Piney Forest Road (Parcel #59927);
- 22) Pumpkin Creek Lane (Parcel #78539);
- 23) Rosemary Lane (Parcel #58778)
- 24) Seminole Trail (Parcel #58451)
- 25) South Street (Parcel #02839);
- 26) Spring Street (Parcel #22126);
- 27) Stephens Street (Parcel #59880);
- 28) Stokes Street (Parcel #20600);
- 29) Stokes Street (Parcel #20617);

- 30) Tate Street (Parcel #73294);
- 31) Valley Street (Parcel #26394);
- 32) Vicar Road (Parcel #59648);
- 33) Worsham Street (Parcel #00980);
- 34) Worsham Street (Parcel #01583);
- 35) Worsham Street (Parcel #01697);
- 36) Worsham Street (Parcel #02044); and
- 37) Worsham Street (Parcel #04378);

WHEREAS, the City has an interest in promoting for the goal of safe, efficient, and affordable homeownership of its citizens; and

WHEREAS, the City is addressing property blight with a targeted revitalization initiative; and

WHEREAS, the City, through Ordinance No. 2007-01.03, has ordained that all real estate transactions addressing blight as part of the City's targeted revitalization initiative be conducted by the Danville Redevelopment and Housing Authority, acting as agent for the City.

NOW THEREFORE, BE IT RESOLVED by the Council of the City of Danville, Virginia, that the Properties are surplus to the City's needs, and that the City's targeted revitalization initiative is better served by the conveyance of the Properties to the Danville Redevelopment and Housing Authority; and

BE IT FURTHER RESOLVED, pursuant to Sections 15.2-1800 and 15.2 1813 of the Code of Virginia 1950, as amended, and in consideration of the public hearing this day held by Council, that the City Manager, Kenneth F. Larking, be, and he is hereby, authorized and directed to convey ownership of the Properties to the Danville Redevelopment and Housing Authority; 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 as may be necessary to effect such conveyance to the Danville Redevelopment and Housing Authority.

Approved:

Mayor

Attest:

City Clerk

Approved as to
Form and Legal Sufficiency:

City Attorney

Prepared by and return to:
C. Ryan Dodson, Esq. (VSB #90680)
City of Danville
P.O. Box 3300
Danville, VA 24543

*This deed is exempt
from Grantor's and
Grantee's tax pursuant
to Va. Code § 58.1-
811(D).*

*Tax Map/Parcel ID #s 00980; 01583; 01697; 02044; 02839; 04378; 04949; 04980; 20600; 20617; 22126; 22161;
26153; 26394; 26424; 26486; 26501; 26724; 26725; 26734; 58451; 58778; 59648; 59820; 59873; 59880; 59927;
59979; 60491; 60492; 60493; 73294; 75953; 76030; 77609; 77970; 78539*

*Mail to: DRHA, 135 Jones Xing, Danville, VA 24541
Title Insurance: None
Consideration: None*

THIS **DEED OF GIFT** made this the ____ day of _____,
2024, by and between the **CITY OF DANVILLE, VIRGINIA, a municipal corporation**
of the Commonwealth of Virginia, GRANTOR, and the **DANVILLE**
REDEVELOPMENT AND HOUSING AUTHORITY, a political subdivision of the
Commonwealth of Virginia, GRANTEE,

W I T N E S S E T H:

AS A GIFT, and not for consideration, the Grantor does hereby give and grant, with
general warranty and English covenants of title, unto the Grantee, in trust for the City, in
fee simple absolute, all those certain lots or parcels of land, together with improvements
thereon and appurtenances thereto belonging, situate in the City of Danville, Virginia, and
more particularly described as follows:

See attached "Schedule A" for legal descriptions.

These conveyances are made subject to all easements, rights of way, or restrictive
covenants now of record or affecting said property.

This conveyance having been authorized by the City Council of the City of Danville, Virginia by Resolution No. _____, adopted on _____, pursuant to a public hearing held in accordance with Va. Code § 15.2-1800.

WITNESS the following signatures and seals:

**THE CITY OF DANVILLE, VIRGINIA,
a municipal corporation of the
Commonwealth of Virginia**

BY: _____

**KEN F. LARKING
City Manager**

STATE OF VIRGINIA
CITY OF DANVILLE, to-wit:

The foregoing Deed was acknowledged before me this the _____ day of _____, 202__, by **KEN F. LARKING**, acting in his capacity as **City Manager**, on behalf of the City of Danville, Virginia.

BY: _____

NOTARY PUBLIC

My commission expires: _____

Notary registration number: _____

APPROVED AS TO FORM:

BY: _____

**C. RYAN DODSON, ESQ.
Assistant City Attorney
VSB # 90680**

SCHEDULE "A"

PARCEL #1

TAX PIN #59873 – BALTIMORE AVENUE, DANVILLE, VIRGINIA

APPROXIMATELY 2.711 Acre lot along the rear of Parcel #59874 which fronts on Baltimore Avenue and Lanier Avenue; Along with approximately 0.2845 Acre lot along the eastern margin of Baltimore Avenue, identified as PID 59876 on Plat of Survey for City of Danville, dated December 8, 2008, made by Piedmont Surveying and Design, P.C., of record in the Clerk's Office of the Circuit Court of Danville, Virginia as Instrument #09-3; being also Lot No. 1, Section U as shown on Survey of Property for City of Danville School Board made by E. L. Wilmarth, C.L.S., dated July 20, 1951, of record in the Clerk's Office of the Circuit Court of Pittsylvania County, Virginia; being also, all of Tax Map No. 1609-006-000077.000, PIN #59873

BEING IN FACT, a portion of the same property conveyed to the City of Danville from the School Board of the City of Danville, by deed dated August 17, 2007 and recorded in the Clerk's Office of Circuit Court of Danville, Virginia as part of Instrument #07-4007.

PARCEL #2

TAX PIN #59820 – BRIARCLIFF LANE, DANVILLE, VIRGINIA

APPROXIMATELY 2.711 Acre lot on River Oak Drive; being Parcel "I" as shown on Plat of Survey for Danville School Board, File A-2974, dated May 17, 1968, made by Shanks & Wilmarth, Engineers-Surveyors, recorded in the Clerk's Office of the Circuit Court of the City of Danville, Virginia, in Deed Book 462, at Page 342.

BEING IN FACT, Parcel #1 conveyed to the City of Danville from the School Board of the City of Danville, by deed dated October 23, 2020 and recorded in the Clerk's Office of Circuit Court of Danville, Virginia as part of Instrument #20-334.

PARCEL #3

TAX PIN #60492 – CARLSON AVENUE, DANVILLE, VIRGINIA

APPROXIMATELY 0.344 Acre lot along Carlson Avenue; being Lot No. 2, as shown on Plat for Glen Oak, Inc., dated December 19, 2007, made by Piedmont Surveying and Design, P.C., of record in the Clerk's Office of the Circuit Court of Danville, Virginia as Instrument #08-1662.

BEING IN FACT Lot No. 2 conveyed to the City of Danville from Mervin R. Pruitt, Sr. and Mervin R. Pruitt, Jr. by deed dated March 27, 2008 and recorded in the aforesaid Clerk's Office as part of Instrument #08-1661.

PARCEL #4

TAX PIN #75953 – COLLEGE PARK DRIVE, DANVILLE, VIRGINIA

APPROXIMATELY 0.4524 Acre lot along College Park Drive; being, in fact Lots Nos. 27 - 30 and Part of Lots Nos. 23 - 26, as shown on a Map of Survey of V. Blanche Dryman Estate, dated March 15, 1958, made by E. L. Wilmarth, C.L.S., recorded in the Clerk's Office of the Circuit Court of Pittsylvania County, Virginia in Deed Book 313, at Page 207.

BEING IN FACT a portion of the same property conveyed to the City of Danville from Security Bank & Trust Company, Executor of the Estate of Villa Blanche Dryman, by deed dated April 14, 1965, and recorded in the aforesaid Clerk's Office in Deed Book 456, at Page 466.

PARCEL #5

TAX PIN #22161 – COLQUHOUN STREET, DANVILLE, VIRGINIA

TRIANGULAR LOT to the rear of Lot 11 as shown on Map of Lots of Thomas Grasty, dated November 25, 1881, of record in the Clerk's Office of the Circuit Court of Danville, Virginia in Deed Book 33, at Page 539.

BEING IN FACT Parcel No. 3 conveyed to the City of Danville from William B. Smith, Jr. by deed dated July 17, 2014 and recorded in the aforesaid Clerk's Office as part of Instrument #14-2484.

PARCEL #6

TAX PIN #26424 – COSBY STREET, DANVILLE, VIRGINIA

FRONTING 50 feet on the southern side of Cosby Street, formerly called Cleveland Street, and extending back therefrom along parallel lines in a southern direction to an alley in the rear; being Lot No. 5, in Block 6 as shown on a Map of the West End Land Company Property, made by W. A. Land, C.E., recorded in the Clerk's Office of the Circuit Court of Pittsylvania County, Virginia, in Deed Book 100, at Page 600.

BEING IN FACT, Parcel #5 conveyed to the City of Danville from the School Board of the City of Danville, by deed dated October 23, 2020 and recorded in the Clerk's Office of Circuit Court of Danville, Virginia as part of Instrument #20-334.

PARCEL #7

TAX PIN #26734 – DARBY ROAD, DANVILLE, VIRGINIA

APPROXIMATELY 0.28 Acre lot along the northern margin of Darby Road at its intersection with Sherman Street; being identified as “Park” on Map of Victory Heights, dated October 12, 1944, made by H. S. Peirce, C.L.S., recorded in the Clerk’s Office of the Circuit Court of Danville, Virginia in Deed Book 196, at Pages 424 and 425; being also all of Tax Map No. 2606-007-000051.000, PIN #26734.

BEING IN FACT, the same property conveyed to the City of Danville from E. U. Boggs and W. E. Bowlin, by dedication dated October 12, 1944 and recorded in the aforesaid Clerk’s Office in Deed Book 196, at Pages 424 and 425.

PARCEL #8

TAX PIN #26153 – DUDLEY STREET, DANVILLE, VIRGINIA

FRONTING 50 feet on the Southern margin of Dudley Street, being Lot 14, in Block 15 as designated on Map Showing Survey of Property of Butler Lumber Company dated April 29, 1949 made by E. L. Moore, C.L.S., of record in the Clerk's Office of the Circuit Court of Danville, Virginia in Deed Book 242, at Page 475.

BEING IN FACT the same property conveyed to the City of Danville from Andrew M. Neville, Special Commissioner on behalf of Circle Court, LLC by Special Commissioner's deed dated June 25, 2018 and recorded in the aforesaid Clerk's Office as Instrument #18-2511.

PARCEL #9

TAX PIN #60491 – DULA STREET, DANVILLE, VIRGINIA

APPROXIMATELY 1.611 Acre lot along Dula Street, being Lot No. 1 as shown on a Plat for Glen Oak, Inc., dated December 19, 2007, made by Piedmont Surveying and Design, P.C., of record in the Clerk's Office of the Circuit Court of Danville, Virginia as Instrument #08-1662.

BEING IN FACT Lot No. 1 conveyed to the City of Danville from Mervin R. Pruitt, Sr. and Mervin R. Pruitt, Jr. by deed dated March 27, 2008 and recorded in the aforesaid Clerk's Office as part of Instrument #08-1661.

PARCEL #10

TAX PIN #59979 – FORESTDALE DRIVE, DANVILLE, VIRGINIA

APPROXIMATELY 0.2304 Acre lot, being identified as "City of Danville Pumping Station Site", as shown on a Map Showing Sections R, S, and T, Swain Acres, dated June 28, 1971, made by Chatham Hill Development Corporation, recorded in the Clerk's Office of the Circuit Court of Danville, Virginia in Map Book 7, at Page 49.

BEING IN FACT the same property conveyed to the City of Danville from Chatham Hills Development Corporation, et al., by deed dated November 18, 1971 and recorded in the aforesaid Clerk's Office in Deed Book 501, at Page 427.

PARCEL #11

TAX PIN #26725 – GARFIELD STREET, DANVILLE, VIRGINIA

APPROXIMATELY 0.0598 Acre lot; being Lot No. 8, Block B, designated and shaded in on a Map of Property to be Acquired by City of Danville for Fill Encroachment and Channel Change of Jackson's Branch, dated October 7, 1948, prepared by the Office of the City Engineer, of record in the Clerk's Office of the Circuit Court of Danville, Virginia in Deed Book 231, at Page 109; being also shown on a Map of Industrial Avenue, dated April 29, 1949, made by Linberg Engineers of Burlington, N.C., of record in the aforesaid Clerk's Office.

BEING IN FACT the same property conveyed to the City of Danville from Katie Hall by deed dated October 13, 1948 and recorded in the aforesaid Clerk's Office in Deed Book 231, at Page 106.

PARCEL #12

TAX PIN #04949 – HENRY STREET, DANVILLE, VIRGINIA

APPROXIMATELY 0.525 Acre lot of abandoned railroad right-of-way; being the property shaded in orange on Map of Southern Railway System Portion of Old L & D R.R. Right of Way to be Conveyed to the City of Danville, labeled A-10715, dated March 22, 1950, of record in the Clerk's Office of the Circuit Court of Danville, Virginia in Deed Book 243, at Page 257.

LESS AND EXCEPT a small strip of property which was dedicated as public right-of-way along Riverside Drive.

BEING IN FACT the same property conveyed to the City of Danville from Southern Railway Company by deed dated April 29, 1950 and recorded in the aforesaid Clerk's Office in Deed Book 243, at Page 255.

PARCEL #13

TAX PIN #26486 – HIGH STREET, DANVILLE, VIRGINIA

FRONTING 69 feet on the northern side of High Street, and running back therefrom between parallel lines 165 feet to a rear line; being Lots Nos. 2 and 3 as shown on a Map of W. H. Edwards Lands, dated September 26, 1876, made by C. A. Ballou, Engineer, of record in the Clerk's Office of the Circuit Court of Danville, Virginia, in the Chancery suit described in Deed Book "K", at Page 518.

BEING IN FACT the same property conveyed to the City of Danville from Jessie Hairston, Trustee in Dissolution for Morning Star Lodge No. 189, Improved Benevolent and Protective Order of Elks of the World, Danville, Virginia by deed dated March 9, 1998 and recorded in the Clerk's Office of the Circuit Court of Danville, Virginia as Instrument #98-1239.

PARCEL #14

TAX PIN #26724 – LINCOLN STREET, DANVILLE, VIRGINIA

APPROXIMATELY 0.1442 Acre triangle along the intersection of Lincoln Street with Walter's Mill Road; being all of Tax Map No. 2605-009-000012.000, PIN #26724; being part of Lot Nos. 5 – 8 on a Map by T. M. Bass, Surveyor, dated January 12, 1910, and of record in the Clerk's Office of the Circuit Court of Pittsylvania County, in Deed Book 131, at Page 373; being also as shown on Map of Survey of Lots 9 – 11 Lincoln Street dated January 21, 1952, made by E. L. Moore, C. L. S., recorded in the aforesaid Clerk's Office in Deed Book 335, at Page 289.

BEING IN FACT a portion of the same property conveyed to the City of Danville from Charles M. Bradley and Martha N. Bradley by deed dated January 26, 1976, recorded in the Clerk's Office of the Circuit Court of Danville, Virginia in Deed Book 556, at Page 405.

PARCEL #15

TAX PIN #76030 – LINCOLN STREET, DANVILLE, VIRGINIA

FRONTING 257 Feet, more or less, on the southern margin of Lincoln Street, containing approximately 1.63 Acres; being in fact, Lots Nos. 21 - 37 as shown on a Map of Lots Made for William Ayres Fuller, dated September 1927, made by William B. Sours, C.E., of record in the Clerk's Office of the Circuit Court of Pittsylvania County, Virginia in Deed Book 198, at Page 604.

BEING IN FACT a portion of the property conveyed to the City of Danville from L. D. Handy and Margaret T. Handy, by deed dated March 16, 1938, recorded in the Clerk's Office of the Circuit Court of the City of Danville, Virginia in Deed Book 173, at Page 393

PARCEL #16

TAX PIN #77609 – LYNCH DRIVE, DANVILLE, VIRGINIA

FRONTING 20 feet on the western margin of Lynch Street and running back therefrom to a rear line; being Lot No. 15-A as shown on a Map of Sanitary Sewer Easement Lot 15-A Lands of Betty Norton Todd, dated September 24, 1990, prepared by Julian Engineering and Surveying, recorded in the Clerk's Office of the Circuit Court of Danville, Virginia in Deed Book 853, at Page 129.

BEING IN FACT the same property conveyed to the City of Danville from Betty Norton Todd by deed dated October 27, 1990 and recorded in the aforesaid Clerk's Office in Deed Book 853, at Page 127. The City expressly reserves an easement for a sanitary sewer as identified on the aforesaid Clerk's Office Map.

PARCEL #17

TAX PIN #26501 – MONROE STREET, DANVILLE, VIRGINIA

APPROXIMATELY 0.0666 Acre lot; being Lot No. 1A, as shown on a Map Showing Exchange of Properties at Monroe and North Union Street, Drawing No. F-502, dated January 28, 1972, made by the Office of the City Engineer, recorded in the Clerk's Office of the Circuit Court of Danville, Virginia in Map Book 8, at Page 2.

BEING IN FACT the same property conveyed to the City of Danville from Elrod M. Long and Mary Hudgins Long by deed dated February 29, 1972, and recorded in the aforesaid Clerk's Office in Deed Book 504, at Page 89.

PARCEL #18

TAX PIN #60493 – MORRIS AVENUE, DANVILLE, VIRGINIA

APPROXIMATELY 0.557 Acre lot along Morris Avenue; being Lot No. 3 as shown on a Plat for Glen Oak, Inc., dated December 19, 2007, made by Piedmont Surveying and Design, P.C., of record in the Clerk's Office of the Circuit Court of Danville, Virginia as Instrument #08-1662.

BEING IN FACT Lot No. 3 conveyed to the City of Danville from Mervin R. Pruitt, Sr. and Mervin R. Pruitt, Jr. by deed dated March 27, 2008 and recorded in the aforesaid Clerk's Office as part of Instrument #08-1661.

PARCEL #19

TAX PIN #77970 – MT CROSS ROAD, DANVILLE, VIRGINIA

APPROXIMATELY 0.1733 Acre lot fronting 26 feet, more or less, along the eastern margin of Mt. Cross Road; being Lot No. 132 on Map Showing Part of Carter Springs, Inc., dated May, 1946, revised October 8, 1946, made by W. B. Sours, C.E., recorded in the Clerk's Office of the Circuit Court of Pittsylvania County, Virginia, in Map Book R, at Pages 8 and 9.

BEING IN FACT the same property conveyed to the City of Danville of record in the aforesaid Clerk's Office.

PARCEL #20

TAX PIN #04980 – N. MAIN STREET, DANVILLE, VIRGINIA

FRONTING 55 Feet on the rear line of Parcel #03419 and running back therefrom to the center line of a creek branch as it meanders; being part of the rear of Lot No. 9 as shown on a Map Showing Survey of Lot for the City of Danville, dated March 1, 1945, made by H. S. Peirce, C.L.S., of record in the Clerk's Office of the Circuit Court of the City of Danville, Virginia in Deed Book 198, at Page 423.

BEING IN FACT the same property conveyed to the City of Danville from Addie T. Mahan, et al., by deed dated March 6, 1945, recorded in the aforesaid Clerk's Office in Deed Book 198, at Page 421

PARCEL #21

TAX PIN #59927 – PINEY FOREST ROAD, DANVILLE, VIRGINIA

APPROXIMATELY 0.0538 Acre triangle along the southern margin of Apollo Avenue at its intersection with Piney Forest Road, being all of Tax Map No. 1706-001-000009.000, PIN #59927.

BEING IN FACT a portion of the same property conveyed to the City of Danville from Barbara C. Scarce, et al. by deed dated February 9, 1970 and recorded in the Clerk's Office of the Circuit Court of Danville, Virginia in Deed Book 477, at Page 262.

PARCEL #22

TAX PIN #78539 – PUMPKIN CREEK LANE, DANVILLE, VIRGINIA

APPROXIMATELY 0.3209 Acre lot; being Lot No. 72, as shown on Map Showing Survey of Lots for C. B. Temple, dated November 30, 1950, made by H.

S. Peirce, C.L.S., recorded in the Clerk's Office of the Circuit Court of Pittsylvania County, Virginia in Deed Book 353, at Page 80.

BEING IN FACT the same property conveyed to the City of Danville of record in the aforesaid Clerk's Office in Deed Book 456, at Page 475.

PARCEL #23

TAX PIN #58778 – ROSEMARY LANE, DANVILLE, VIRGINIA

APPROXIMATELY 4.48 Acre lot along the northern margin of Rosemary Lane; being the lot identified as "Public Playground" as shown on Map of Sandy Shores, Sections G-M-N-O-P dated May 15, 1975, prepared by E. L. Wilmarth, C.L.S., recorded in the Clerk's Office of the Circuit Court of Danville, Virginia in Map Book 10, at Page 56.

BEING IN FACT the same property conveyed to the City of Danville from Sandy Shores Developers, Inc. by deed dated September 18, 1975 and recorded in the aforesaid Clerk's Office in Deed Book 562, at Page 385.

PARCEL #24

TAX PIN #58451 – SEMINOLE TRAIL, DANVILLE, VIRGINIA

APPROXIMATELY 2.33 Acre lot along the northern margin of Seminole Drive, being in fact Lot No. 3 as shown on Map of Seminole Hills, Map Showing Area to be Dedicated as Parks, dated January 21, 1975, prepared by E. L. Wilmarth, C.L.S., recorded in the Clerk's Office of the Circuit Court of Danville, Virginia in Map Book 10, at Page 13.

BEING IN FACT the same property conveyed to the City of Danville from the Hedrick Johnson Development Corporation by deed dated January 14, 1976 and recorded in the aforesaid Clerk's Office in Deed Book 557, at Page 429.

PARCEL #25

TAX PIN #02839 – SOUTH STREET, DANVILLE, VIRGINIA

FRONTING 125 feet, more or less along the western margin of South Street; being Part of Lot 208 as shown on a Map recorded in the Clerk's Office of the Circuit Court of the City of Danville, Virginia in Deed Book 423, at Page 47.

BEING IN FACT the same property conveyed to the City of Danville, Virginia from Sarah P. Maitland and Eustace C. Maitland, by deed dated June 6, 1977, recorded in the aforesaid Clerk's Office in Deed Book 585, at Page 333.

PARCEL #26

TAX PIN #22126 – SPRING STREET, DANVILLE, VIRGINIA

FRONTING 116.2 feet on the northern margin of Spring Street at its intersection with Floyd Street, as shown on Map Showing Survey of Lot for John Letcher Gourley, dated September 21, 1954, made by H. S. Peirce, C.L.S., of record in the Clerk's Office of the Circuit Court of Danville, Virginia in Deed Book 293, at Page 244.

BEING IN FACT the same property conveyed to the City of Danville from Howard Lee Price by deed dated December 1, 2003 and recorded in the aforesaid Clerk's Office as Instrument #04-6720.

PARCEL #27

TAX PIN #59880 – STEPHENS STREET, DANVILLE, VIRGINIA

FRONTING 85 feet on the East side of Stephens Street and running back along the line of Lot No. 2, 200 feet and along the line of V.P.I. Campus Street on the North, 207.87 feet to a rear line of 28.37 feet; being Lot No. 1 as shown on a Map for A. C. Conway, dated March 25, 1942, made by H.S. Peirce, C.L.S., and recorded in the Clerk's Office of the Circuit Court of Pittsylvania County, Virginia, in Deed Book 415, at Page 442.

BEING IN FACT, Parcel # 8 conveyed to the City of Danville from School Board of the City of Danville, by deed dated October 23, 2020, and recorded in the Clerk's Office of Circuit Court of Danville, Virginia as part of Instrument #20-334.

PARCEL #28

TAX PIN #20600 – STOKES STREET, DANVILLE, VIRGINIA

FRONTING 76 feet on the southern side of Stokes Street, and running back therefrom between parallel lines approximately 150 feet to a rear line; being Lots Nos. 82 and 83 and the western 3 feet of Lot No. 81, as shown on a Map of Part of the Green Estate, the Property of Messers, Boswell and Conway, dated August 1905, made by J.R. Edmunds, Surveyor, of record in the Clerk's Office of the Circuit Court of Danville, Virginia, in Deed Book 71, at Page 23.

BEING IN FACT, Parcel No. 1 conveyed to the City of Danville from Alfred W. Harper, Jr, by deed dated February 25, 2022 and recorded in the aforesaid Clerk's Office as part of Instrument #22-963; along with the same property conveyed to the City of Danville, by Oren M, Bray, by deed dated April 9, 2021 and recorded in the aforesaid Clerk's Office as Instrument #21-1619.

PARCEL #29

TAX PIN #20617 – STOKES STREET, DANVILLE, VIRGINIA

FRONTING 80 feet on the northern side of Stokes Street and running back therefrom between parallel lines 97.4 feet to a rear line of 80 feet along an alley; being Lots Nos. 72 and 73, as shown on a Map of Part of the Green Estate, the Property of Messers, Boswell and Conway, dated August 1905, made by J.R. Edmunds, Surveyor, of record in the Clerk's Office of the Circuit Court of Danville, Virginia, in Deed Book 71, at Page 23.

BEING IN FACT Parcel Nos. 2 and 3 conveyed to the City of Danville, Virginia from Alfred W. Harper, Jr, by deed dated February 25, 2022, and recorded in the aforesaid Clerk's Office as part of Instrument #22-963.

PARCEL #30

TAX PIN #73294 – TATE STREET, DANVILLE, VIRGINIA

APPROXIMATELY 0.1755 Acre lot along Tate Street; being Lot A as shown on a Plat of Survey for W. Nat Blanks from W. H. Henderson, dated August 1, 1963, made by Shanks & Wilmarth, Engineers and Surveyors, of record in the Clerk's Office of the Circuit Court of Pittsylvania County, Virginia in Deed Book 433, at Page 335.

BEING IN FACT the same property conveyed to the City of Danville from Charles E. Case, Jr. and Timothy R. Case by deed dated October 7, 2005, and recorded in the Clerk's Office of the Circuit Court of Danville, Virginia as Instrument #05-5052.

PARCEL #31

TAX PIN #26394 – VALLEY STREET, DANVILLE, VIRGINIA

FRONTING 60 feet on Valley Street and running back therefrom between parallel lines to a rear line; being Lot No. 6 as shown on a Survey for Vivian Keen dated March 9, 1961, made by Shank's and Wilmarth, Engineers and Surveyors, of record in the Clerk's Office of the Circuit Court of Danville, Virginia in Deed Book 412, at Page 359; being also Lot No. 6 as shown on a Survey of Lands of Jas. Thomas in the Town of Danville, Virginia, on tracing dated May 30, 1888, made by C. A. Ballou, Engineer, copy from his map dated March, 1875, said tracing being of record in the aforesaid Clerk's Office in Deed Book 27, at Page 82.

BEING IN FACT, the same property conveyed to the City of Danville, Virginia from Vivian Keen and Charles Keen, Jr. by deed dated April 28, 1965, recorded in the aforesaid Clerk's Office in Deed Book 412, at Page 357.

PARCEL #32

TAX PIN #59648 – VICAR ROAD, DANVILLE, VIRGINIA

APPROXIMATELY 1.67 Acre lot; being identified as “Public Park”, as shown on a Map No. 1 "Shadowwood Park" Sections D-E-G-J, dated July 14, 1980, made by Blair Enterprises, Inc., recorded in the Clerk's Office of the Circuit Court of Danville, Virginia in Map Book 16, at Page 19.

BEING IN FACT the same property conveyed to the City of Danville from Blair Enterprises, Inc., by deed dated August 28, 1980, and recorded in the aforesaid Clerk's Office in Deed Book 635, at Page 209.

PARCEL #33

TAX PIN #00980– WORSHAM STREET, DANVILLE, VIRGINIA

FRONTING 120 feet on the eastern margin of Worsham Street; being Lots Nos. 16 and 17 as shown on a Map of J. N. Wyllie’s Lots on Breast Works Hill dated May, 1911, made by David T. Williams, recorded in the Clerk’s Office of the Circuit court of Danville, Virginia, in Deed Book 83, at pages 436 and 437.

BEING IN FACT, the same property conveyed to the City of Danville, Virginia from Frank R. Cox, Jr. *et al.* by deed dated February 24, 1982, recorded in the aforesaid Clerk’s Office in Deed Book 655, at Page 300.

PARCEL #34

TAX PIN #01583 – WORSHAM STREET, DANVILLE, VIRGINIA

FRONTING 100 feet on the eastern margin of Worsham Street; being Lots Nos. 20 and 21 as shown on a Map of J. N. Wyllie’s Lots on Breast Works Hill, dated May, 1911, made by David T. Williams, recorded in the Clerk’s Office of the Circuit Court of Danville, Virginia, in Deed Book 83, at pages 436 and 437.

LESS AND EXCEPT a small strip of property which was conveyed to the City of Danville, by deed dated March 26, 1948, recorded in the aforesaid Clerk’s Office in Deed Book 225, at page 305.

BEING IN FACT, the same property conveyed to the City of Danville, Virginia from Louise J. Frye on behalf of E. H. Frye by deed dated March 4, 1982, recorded in the aforesaid Clerk’s Office in Deed Book 655, at Page 187.

PARCEL #35

TAX PIN #01697 – WORSHAM STREET, DANVILLE, VIRGINIA

FRONTING 70 feet, more or less, on the eastern margin of Worsham Street; being Lot No. 14 as shown on a Map of J. N. Wyllie's lots on Breast Works Hill, dated May, 1911, made by David T. Williams, recorded in the Clerk's Office of the Circuit Court of Danville, Virginia, in Deed Book 83, at Pages 436 and 437.

LESS AND EXCEPT a small strip of property which was conveyed to the City of Danville, by deed dated March 22, 1948, recorded in the aforesaid Clerk's Office in Deed Book 225, at Page 332;

BEING IN FACT, the same property conveyed to the City of Danville, Virginia from James P. Morgan, Sr., and Dean L. Morgan, by deed dated April 5, 1982, recorded in the aforesaid Clerk's Office in Deed Book 657, at Page 262.

PARCEL #36

TAX PIN #02044 – WORSHAM STREET, DANVILLE, VIRGINIA

FRONTING 102.2 feet, more or less, on the eastern margin of Worsham Street at its intersection with Wagner Street, and fronting 185 feet, more or less, on the southern margin of Wagner Street; being Lots Nos. 24 and 25 as shown on a Map of J. N. Wyllie's Lots on Breast-Works Hill, dated May, 1911, prepared by David T. Williams, recorded in the Clerk's Office of the Circuit Court of Danville, Virginia in Deed Book 83, at Pages 436 and 437.

BEING IN FACT, he same property conveyed to the City of Danville from Katherine G. Hardy by deed dated May 10, 1982, and recorded in the aforesaid Clerk's Office in Deed Book 657, at Page 350. This property is subject to a Community Garden License with Right Touch Christian Church, a copy of which is attached hereto. In accepting this property, Grantee hereby agrees to honor and continue such License, in full, for the duration thereof.

PARCEL #37

TAX PIN #04378 – WORSHAM STREET, DANVILLE, VIRGINIA

FRONTING 50 feet on the eastern margin of Worsham Street; being Lot No. 18 as shown on a Map of J. N. Wyllie's lots on Breast Works Hill, dated May, 1911, made by David T. Williams, recorded in the Clerk's Office of the Circuit Court of Danville, Virginia, in Deed Book 83, at Pages 436 and 437.

BEING IN FACT, the same property conveyed to the City of Danville, Virginia from Myrtle F. Walker by deed dated May 18, 1982, recorded in the aforesaid Clerk's Office in Deed Book 660, at Page 483.

Council Letter City of Danville, Virginia



CL - 1588

NEW BUSINESS F.

City Council REGULAR MEETING

Meeting Date: October 1, 2024

Subject: Revision of Financial Policies to Increase Minimum Fund Balance and Update Other Language.

From: Michael Adkins, Chief Financial Officer

COUNCIL ACTION

A Resolution Approving and Amending the City of Danville Financial Policies to Change Item 4.1 Entitled "Unassigned & Unrestricted Fund Balances"; to Allow for an Increase of Minimum General Fund Balance from 20% to 25% of Annual Budgeted Revenues; as well as Other Revisions for Clarity and Alignment with Anticipated City Charter Changes.

SUMMARY

This revision of the City's financial policies will increase the minimum fund balance to 25% of budgeted revenues. In addition, updates to other sections are recommended to provide clarity, remove outdated references, or mirror changes that will be affected by City Charter changes requested of the General Assembly.

BACKGROUND

The City of Danville Financial Policies were last updated in April 2022. One of the main reasons for this requested revision is to increase the City's minimum fund balance from 20% of annual budgeted revenues to 25%. Based on the Fiscal Year 2025 adopted budget, this will increase the minimum fund balance from approximately \$33 million to \$41 million. At this level, the City will still have an excess fund balance of about \$10 million, allowing City Council the flexibility of appropriation from fund balance if needed or desired. In addition, this will add strength to future credit rating reviews.

Suggested revisions include:

Page 5 – Revises language to give City Council increased flexibility regarding carry forward appropriations for Danville Public Schools.

Page 7 – Increases the City's Minimum General Fund Balance policy from 20% of annual budgeted revenues to 25%.

Page 7 – Removes outdated language regarding a deficit fund balance in the Wastewater Fund. This was rectified several years ago and this language is no longer applicable.

Page 7 – Changes the required City Council vote from two-thirds to a simple majority for an appropriation of fund balance that would place fund balance under its policy minimum.

Page 8 – Removes the specific mention of "20%" unassigned fund balance and replaces this with

“minimum” fund balance.

Page 11 – Replaces “Finance Director” with “Chief Financial Officer” to reflect the correct job title.

Page 12 – Removes specificities of the City Charter assuming the requested City Charter changes are approved by the General Assembly. This will only be changed if the City Charter revisions are approved by the General Assembly.

Page 13 - Changes the required City Council vote from two-thirds to a simple majority for issuance of debt.

Page 16 – Provides clarifying language regarding how to apply the cumulative inflation growth and consumer price index when determining qualification for a retiree bonus payment.

A copy of the current financial policies are included showing strike-through on suggested deletions and new policy language in red.

RECOMMENDATION

Staff recommends City Council approve the accompanying Resolution to incorporate suggested revisions into the City's financial policies.

Attachments

1. Resolution
 2. Financial Policies - Revised 2024
-

PRESENTED: _____

ADOPTED: _____

RESOLUTION NO. 2024-_____._____

A RESOLUTION APPROVING AND AMENDING THE CITY OF DANVILLE FINANCIAL POLICIES TO CHANGE ITEM 4.1 ENTITLED "UNASSIGNED & UNRESTRICTED FUND BALANCES"; TO ALLOW FOR AN INCREASE OF MINIMUM GENERAL FUND BALANCE FROM 20% TO 25% OF ANNUAL BUDGETED REVENUES; AS WELL AS OTHER REVISIONS FOR CLARITY AND ALIGNMENT WITH ANTICIPATED CITY CHARTER CHANGES.

NOW THEREFORE, BE IT RESOLVED, by the Council of the City of Danville, Virginia, that the Financial Policies of the City of Danville be amended to incorporate changes as demonstrated in the "Financial Policies of Danville, Virginia, as of April 5, 2022, with proposed revisions," a copy of which is attached hereto and made a part thereof, as if fully set out herein, and the same be, and hereby is, approved.

Approved:

Mayor

Attest:

City Clerk

Approved as to
Form and Legal Sufficiency:

City Attorney

Financial Policies



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Approved by Resolution #2011-11.08 of the Danville City Council
November 15, 2011

Introduction: Written, adopted financial policies have many benefits, such as assisting elected officials and staff in the financial management of the City, saving time and energy when discussing financial matters, engendering public confidence, and providing continuity over time as elected officials and staff members change. While these policies will be amended periodically, they will provide the basic foundation and framework for many of the issues and decisions facing the City. They will promote sound financial management and assist in the City's stability, efficiency, and effectiveness. Policies are designed to conform to state and local regulations, generally accepted accounting standards, standards set by the Governmental Accounting Standards Board (GASB) and the Government Finance Officers Association (GFOA), and best practices employed by other local governments. The City Manager's "Administrative Policies & Procedures" and operating procedures maintained by municipal departments supplement these Financial Policies.

1. Guiding Principles

The City provides a wide variety of essential and desirable services and facilities to its residents, visitors, businesses, and institutions. The Danville City Council and staff are responsible for managing municipal finances wisely, ensuring adequate funding to meet current and future needs, appropriately accounting for all revenues and expenditures, and complying with all applicable regulations. To satisfy these obligations, the Council and staff are committed to developing a sound financial plan for municipal operations, maintenance, and capital improvements. To achieve this, the City Council:

- Establishes financial policies;
- Sets policy guidance for preparation of operating and capital improvement budgets;
- Adopts budgets for all funds based on adopted policies and in accordance with the City Charter and State laws; and
- Oversees the administration of finances and budgets undertaken by the City Manager.

2. Financial Structure

In accordance with the GASB, the financial structure of the City will be divided into tax-supported governmental funds (including a General Fund to support the governmental services of the City) and self-supporting proprietary funds established for nongovernmental purposes. Proprietary funds will include a series of enterprise funds, which shall be managed as business enterprises supported by

revenues derived by that enterprise. A list of funds with descriptions of each is provided in the Appendix of this document.

3. Budget

The Council will annually adopt a budget that includes funds as may be required by law or by sound financial practices and generally accepted accounting principles. The budget will control the levy of taxes and expenditures for all City purposes during the ensuing fiscal year. The City budget will be balanced using approved funding sources, including fund balances. The annual budget will serve as the official plan of services and facility operations intended to accomplish the City's goals and objectives.

3.1 Budget Preparation & Adoption

The budget process is one of the most important undertaken by the City each year. However, the City Charter provides only minimal guidance on how the budget is to be prepared, reviewed, and adopted.* It simply states that

- The City Manager is responsible for preparation of the budget;
- A proposed budget is to be presented to the City Council no later than April 1st;
- No more than 30 days later, after collaboration with the Council, the Manager is to introduce a completed budget;
- A brief synopsis of the budget is to be published in the newspaper and Council is to conduct a public hearing; and
- The budget is to be adopted before July 1st.

The City Council and City Manager will exceed the minimum requirements by starting the process earlier, providing more direct Council guidance along the way, and encouraging more active public engagement throughout the process, including during the City Manager's budget preparation process. The City Council will similarly exceed minimum requirements in conducting additional budget hearings and encouraging public input through not only providing testimony at hearings, but also through e-mails, social media tools, telephone calls, and direct discussion. The budget process undertaken by Council and staff will endeavor to

- Maintain a transparent process;
- Provide a steady flow of readily available information to the public;
- Inform, involve, and engage the public;
- Identify and consider issues and concerns of the public; and

* City Charter, §3-3, §8-6, and §8-7

- Achieve public understanding, if not acceptance, of trade-offs and decisions made in adopting a balanced budget.

3.2 Revenue & Expenditure Forecasts

Budget revenue estimates will be conservative, yet realistic. Expenditure estimates will fully cover, but not overstate, projected costs. A five-year forecast of General Fund revenues and expenses will be prepared at the beginning of each budget process to help determine if projected revenues can sustain current services. The City Council will consider the five-year forecast and other information provided and set priorities and offer guidance at the outset of the City Manager's annual budget preparation process. Council will additionally at that time make desired modifications to Financial Policies that might affect the budgeting process.

The City will avoid dependence on temporary or unstable revenues to fund mainstream municipal services. The City will not use one-time revenues to fund ongoing operational costs. Neither will debt be used to fund current expenditures. The City will strive to maintain a reasonable real estate tax rate and will only consider upward adjustments to the property tax as a last resort.

If a deficit is projected for the coming fiscal year, the City will take steps to reduce expenditures and/or increase revenues. If a deficit is caused by emergency or temporary economic conditions, Council may consider a transfer from the Budget Stabilization Fund or the Unassigned Fund Balance to balance the budget as described in Policy 4.

3.3 Service & Facility Charges

Many services and facility uses are allowed by the City without additional charge. Examples include general use of parks and emergency responses by police officers. Services or facility uses that solely benefit an individual or group and can be practicably controlled and priced will be provided at reasonable fees. The City will maximize the application of user charges rather than depending on general revenues and subsidies from other City funds for services so identified and where costs are directly related to the level of service provided. The following principles will apply in establishing user fees:

- City staff will provide services and facilities as efficiently as is possible to keep user fees reasonable and affordable.
- City Council will determine under what circumstances cost subsidies, discounts, or waivers will be granted.
- User fees will otherwise be set at levels that recover full costs, including all direct, capital and facility wear and tear, and overhead expenses.

- Reimbursable work performed by the City shall be billed at actual costs except in cases where firm estimates and/or “not-to-exceed” prices were quoted to a client.
- Where practical, user charges shall be comparable to other neighboring cities and private sector providers. In the interest doing no harm to other local service and facility providers, whether in the private or non-profit sectors, the City will avoid undercutting rates charged by others in Danville.

Departments that impose fees or service charges will prepare and/or update them for inclusion in the annual budget process. Responsibility for consideration and adoption of fees is assigned to the City Council or its boards and commissions as authorized* The City will maintain a current schedule of fees and charges, showing when the fees were last reviewed and/or recalculated.

3.4 Budget Contingency Accounts

Annual budgets will be stripped of informal contingency accounts to protect against expenditure overruns. The City Manager will instead propose appropriation of Contingency Accounts in the General Fund and each utility fund to cover unanticipated expenditure needs. The Contingency Account for each applicable fund shall be established at a minimum of \$100,000. If approved by City Council through its appropriation of the budget, Contingency Accounts will be used at the direction and approval of the City Manager.

3.5 Capital Improvement Plan

In addition to the operating budget, the City Manager will annually submit a five-year Capital Improvement Plan (CIP) for review by Council. The CIP will include new or expanded facilities; infrastructure projects; extraordinary maintenance projects; land acquisition; special initiatives such as blight eradication or River District revitalization; large equipment items such as fire trucks; and large computer, telecommunications, and other technology investments. Normally, any such expenditure of \$50,000 or more will be included in the CIP. As with the operating budget, items included in the CIP are those considered necessary to maintain public services and facilities. The CIP will show proposed expenditures and associated revenue sources. Current revenues and grants are the preferred methods of financing rather than borrowing. Operating impacts of CIP elements will be will be reported in the plan.

3.6 Legal Level of Control

Budget appropriations shall be legally controlled at the fund level. The City Manager is delegated authority to administer the budget within appropriated fund levels. In accordance with state code, municipal appropriations made to the

* For example, by the Danville Utility Commission in the case of non-consumption fees and charges associated with the City's utilities.

Danville Public Schools (DPS) are administered independently under the authority of the School Board. The DPS is allowed to carry forward \$1 million of its unencumbered municipal appropriation at the end of each fiscal year without further consideration and approval by the City Council. **subject to any limitations included in City Council's adopted budget ordinance for the upcoming fiscal year.**

3.7 Budget Administration

The City Manager and department directors are responsible for continuously monitoring revenues and expenditures and for carefully administering adopted budgets. The City Council will receive monthly financial reports and briefings. Council's boards, commissions, and committees charged with budgeting responsibilities will similarly be kept informed.

The City will take immediate corrective actions if, at any time during the fiscal year, expenditure and revenue estimates are such that an operating deficit is projected at year-end. Corrective actions may include a hiring freeze, expenditure reductions, fee increases, or use of contingencies. The City Council may approve additional measures as appropriate.

3.8 Multi-year Financial Plan

Amended by Resolution 2018-01.10 of the Danville City Council, January 16, 2018

The City will annually present a five-year General Fund financial forecast to City Council that must include:

- An in-depth analysis of revenues, expenditures, and all long-term obligations;
- A plan for eliminating any funding shortfalls that would prevent adoption of a balanced budget in any year covered by the five-year forecast;
- Identification of requirements for achieving a balanced budget for the upcoming fiscal year and the subsequent fiscal year; and
- The expected effect on the City's unreserved fund balance with regard to fund balance policies.

4. Fund Balances

Sufficient reserves must be retained by the City at all times to provide financial stability. A properly sized and configured fund balance in each operating fund is essential in accomplishing this. The Governmental Accounting Standards Board requires that General Fund balance elements be structured in five categories that span a continuum of use constraints that classify a fund's net resources from those that have the most constraints placed on their use to the least. What was

formally accounted for as the “unrestricted” fund balance is now separated into “assigned” and “unassigned” fund balance accounts.*

- Nonspendable Fund Balance -- amounts that cannot be spent because of form (such as inventory) or because of legally or contractual requirements (such as the principal of an endowment fund, pre-paid items, or long-term receivables).
- Restricted Fund Balance -- amounts that are constrained to being used for a specific purpose by external parties (such as grantors, bondholders, or the state or federal governments), through constitutional provisions, or by enabling legislation. Such restrictions normally cannot be removed by City Council.
- Committed Fund Balance -- amounts committed by ordinance for specific purposes by the City Council itself. Council can likewise remove such constraints through an amending ordinance. These relate to expenditures that are not expected to occur routinely. Examples include reserves established by Council to construct a new facility or to purchase property for an industrial park.
- Assigned Fund Balance -- amounts that Council sets aside for specific purposes, but with fewer restrictions than intended with restricted or committed fund balance amounts. Examples include the City’s special revenue, capital project, debt service, and budget or rate stabilization funds.
- Unassigned Fund Balance -- amounts that have not been restricted, committed, or assigned and are therefore available for any Council-authorized purpose.

In the case of municipal funds other than the General Fund (for example, utility and enterprise funds) assigned and unassigned fund balances remain combined in “unrestricted” fund balance accounts.

4.1 Unassigned & Unrestricted Fund Balances

Unassigned or unrestricted fund balances are important in maintaining financial stability and are considered by bond rating agencies as key indicators of creditworthiness. They provide the financial resources to deal with emergencies, natural disasters, precipitous economic downturns, revenue shortfalls, and unanticipated expenditures. They also provide cash flow liquidity in responding to fluctuations in major revenue sources, such as with property tax receipts. Unassigned and unrestricted balances themselves generate revenue through investment interest earnings.

* GSAB Statement No. 54, “*Fund Balance Reporting and Governmental Fund Type Definitions*,” effective for fiscal periods beginning after June 15, 2010.

The City Council designates the following minimum levels for unassigned and unrestricted fund balances:

- General Fund -- The unassigned General Fund balance shall be maintained at a level not less than 20~~5~~5% of operating revenues.
- Utility Funds -- The Water, Wastewater, Gas, Electric, and Telecommunications Funds shall maintain unrestricted fund balances equal to at least 90 days of average operating and maintenance expenses, inclusive of transfers to the General Fund, plus 90 days of the next fiscal year's debt service payments.

~~During recent years, the Wastewater Fund has been running a deficit and has depleted its unrestricted fund balance. The City's goal is to bring the Wastewater Fund into compliance by FY 2017. During this time, the combined Utility Funds will collectively adhere to this unassigned fund balance policy, meaning the other utility funds will maintain higher than normal levels of cash reserves.~~

- Other Funds -- The City's other enterprise, internal service, special, and fiduciary funds will be budgeted to fully cover expenses but will not at this time be subjected to unassigned or unrestricted fund balance standards.

Actual fund balance levels may rise and fall during the fiscal year, but will be restored to designated levels during the annual budgeting process. An appropriation from an unassigned or unrestricted fund balance that would result in the balance falling below its designated level requires a **simple** majority ~~plus one~~ vote of Council ~~(with six of nine members voting "aye")~~. No such vote shall be taken until the Council receives a briefing from the City Manager that identifies potential ramifications of the appropriation and includes a financial plan to restore the unassigned or unrestricted fund balance to its designated minimum level within two years.

Because the City's budgets are based on appropriately conservative revenue and expenditure budget projections, it is to be expected that at least some surplus revenue will be added to fund balances at the end of each fiscal year. Surpluses may be appropriated for specific expenditures by the City Council or assigned to fund balance accounts, normally to unassigned or unrestricted fund balances. Unassigned and unrestricted fund balances in excess of established minimum levels may be appropriated by Council for nonrecurring expenditures such as unanticipated budget shortfalls, economic development incentive payments, special projects, acquisition of real property, capital purchases, local matches for grants, pre-payment of existing debt, prepayment of equipment maintenance contracts, and one-time employee pay bonuses. Except during periods of economic recession or under unusual circumstances, excess funds will not be used to support routine operating expenditures. Nor will availability of excess cash reserves be allowed to supplant prudent budgeting practices.

4.2 General Fund Budget Stabilization Reserve

Amended by Resolution 2015-05.03 of the Danville City Council, May 5, 2015

As part of the FY 2012 Budget process, the City Council authorized creation of a Budget Stabilization Fund as part of the General Fund's assigned fund balance using revenues in excess of its designated **minimum** 20% unassigned fund balance level. The Budget Stabilization Fund will not be used to finance new or expanded services. It is instead intended to help sustain municipal operations during times when revenue sources such as property, sales, meals, and business tax receipts are sluggish due to continuing effects of the economic recession or continuing response to emergencies. As it deems appropriate, the City Council will appropriate revenue from the Budget Stabilization Fund for use during the current or coming fiscal year to sustain current municipal service levels.

The fund is subject to the following restrictions:

- There is no designated minimum size for the Budget Stabilization Fund. It may, from time to time, be drawn down significantly or even depleted entirely. The fund does, however, have an upper limit. Its maximum size will not exceed a balance of \$3,000,000. *(R2015-05.03)*
- The Budget Stabilization Fund will retain interest earnings on the balance of revenues held in the fund.
- After allocation of surplus revenues to designated fund balance reserves, up to one-half of remaining General Fund revenue surpluses will be transferred to the Budget Stabilization Fund at the closing of each fiscal year, subject to its aforementioned maximum size limit.
- The Budget Stabilization Fund is not to be used to offset minor revenue shortfalls. Appropriations from the fund to balance the coming year's budget will be made only in the event that total projected ongoing General Fund revenues are expected to decline more than one percent below the current year's estimated receipts.
- As the Budget Stabilization Fund has no direct revenue source of its own to replenish expended resources, care will be taken in its use.
- Use of the Budget Stabilization Fund will not take the place of prudent budgeting practices that carefully establish appropriate services and service levels, properly maintain municipal facilities, undertake important initiatives, and set fees, charges and taxes necessary to pay associated expenditures.

- Spending cuts or other cost-saving measures must be undertaken in combination with use of Budget Stabilization Fund revenues.

5. Utility Contributions to the General Fund

Amended by Resolution 2018-01.10 of the Danville City Council, January 16, 2018

The Electric, Gas, Water, Wastewater, and Telecommunications Fund all make contributions to the General Fund at levels meant to approximate taxes that would be paid to the City were these enterprises run by private sector utilities, as well as profit that would be earned by shareholders. Total utility fund transfers budgeted for FY 2013 amount to \$14,382,000, constituting approximately 15% of General Fund revenues.

FY 2013 Utility Fund contributions to the General Fund are designated as the base rates for these transfers. Transfers from the Telecommunications Fund are handled separately because its primary customers are the City itself and the Danville Public Schools.

FY 2013 General Fund Contribution Amounts

Electric Fund	\$	9,562,610
Gas Fund		2,906,330
Water Fund		933,300
Wastewater Fund		677,760

To emulate tax burdens imposed on taxable utilities in other communities, transfers from Utility Funds to the General Fund will be increased based on the growth in net fixed assets. The increase in the transferred amount from a utility fund will be calculated on the basis of half of the average proportional growth of that fund's net fixed assets (fixed assets less depreciation) over the previous five fiscal years, rounded to the nearest thousand. If this calculation indicates a decreased investment in net fixed assets for the five-year period, the transfer could be reduced by the calculated percent of decrease, up to a maximum decrease of 1%. In order to preserve the City's credit score with American Municipal Power, the Electric Fund will have the additional requirement that a minimum of six months cash reserves be maintained.* Applicable adjustments in the General Fund contributions will be implemented every other year as part of the biennial utility rate studies.

* Cash reserves = [annual operating expense (excluding purchased power cost and depreciation) + regular capital maintenance + capital improvements] X (.50 or 180 days/ 360 days)

This does not change the City's Fund Balance Policy, but rather guarantees American Municipal Power the City's Policy will meet or exceed their requirements.

6. Biennial Utility Rate Studies

Under the direction of the Danville Utility Commission, the City shall undertake a utility cost-of-service and rate study every two years. The City will endeavor to set utility rates that are consistently

- Fair, just, and reasonable;
- As low as is prudently possible;
- Structured in a fashion consistent with best utility practices; and
- Generate revenue sufficient to
 - Support continued provision of reliable, safe, environmentally responsible, high quality service;
 - Sustain infrastructure required to accommodate economic development; and
 - Generate sufficient revenue to meet established General Fund contribution obligations.

7. Vehicle Replacement

The City's vehicles are to be used in a fashion that yields the highest possible return on investment. Factors taken into account in determining when each vehicle is replaced will include safety, cost of operation, and resale value. When prudent to do so, a vehicle may be transferred after a time from an organizational unit with intense vehicle operating requirements (i.e., Police Patrol) to another with lower operating demands (i.e., Police Detectives or Building Inspections). While each will be retained as long as it can be driven safely and cost-effectively, the following guidelines will be used for replacing vehicles and large equipment items.

Replacement Guidelines		
Sedans, & Bucket or Digger Derrick Trucks	10 years or miles	100,000
Pickup Trucks & Vans	12 years or miles	100,000
Other Equipment	12 years or hours	10,000

Old vehicles replaced by new ones will be sold as soon as practicable. The City will avoid "fleet creep" wherein use of old, replaced vehicles is continued. If additions to the fleet can be justified, they will be included in the City Manager's proposed budget and considered by City Council.

The City's utilities finance their own fleets. Vehicles operated by General Fund departments and other funds are financed through the Motorized Equipment Fund. Vehicle rental rates are charged for applicable vehicles at rates established by the City Manager. Rental rates are reviewed annually and revised as needed to ensure that sufficient funds are available to replace vehicles.

8. Investments

Investment of revenues will be made in conformance with best practices to meet four primary objectives:

- Safety – to preserve invested funds with minimal risk of loss
- Diversity – to avoid excessive market risk
- Liquidity – to maintain sufficient to meet cash flow and operating requirements
- Yield – to produce maximum interest earnings

City Manager is responsible for control of City revenues. Responsibility for investing idle funds is delegated to the **Chief Financial Officer** ~~Finance Director~~.

All excess cash, except for cash in certain restricted and special accounts, will be pooled for investment purposes. The investment income derived from the pooled investment account shall be allocated to the contributing funds based upon the proportion of the respective average balances relative to the total pooled balance. Interest earnings shall be distributed to the individual funds not less than annually.

9. Debt Management

Amended by Resolution 2022-04.03 of the Danville City Council, April 5, 2022

City recognizes the primary purpose of facilities and equipment is to support provision of public services. Using debt financing to meet the capital needs of the community, the City must balance between debt financing and "pay-as-you-go" methods. The City realizes failure to meet the demands of growth may inhibit its continued economic viability but also realizes too much debt may have detrimental effects.

9.1 General Authority

The Constitution of Virginia and State Code authorizes localities to issue debt within certain limitations. The Constitution restricts the amount of General Obligation debt – that is, debt payable from general municipal revenues and backed by the full faith and credit of a city – to 10% of the assessed valuation of real property in the jurisdiction plus any applicable limitations set forth in the city's

charter. In determining the debt applicable to the 10% legal debt limit, the following types of debt are excluded:

- Notes issued in anticipation of the collection of revenue and maturing within 12 months;
- Bonds secured by the full faith and credit of the municipality, for which the principal and interest payments are made with revenues earned by the utility or facility (double-barrel bonds);
- Bonds of the municipality, the principal and interest on which are payable exclusively from the revenues and receipts of a utility system or other specific undertaking from which a city may derive a revenue (revenue bonds); and
- Financial instruments on which the debt service payments are contingent upon annual appropriations by the governing body (lease purchase agreements and reimbursable agreements).

~~With the following exceptions, the City Charter is more restrictive in providing that no debt shall be issued until approved by a majority of the qualified voters at an election. Issuance of the following may be authorized by City Council without voters' approval:~~

- ~~▪ Up to \$6 million of bonds in any one fiscal year to finance capital expenditures, excluding capital improvements related to water, sewer, gas, and/or electric improvements.~~
- ~~▪ Up to \$10 million of bonds in any one fiscal year to finance capital expenditures relating to the City's water, sewer, gas, or electric systems or other undertaking from which the City may derive a revenue.~~
- ~~▪ Up to \$25 million of bonds or notes in anyone fiscal year for capital expenditures relating to the City's water treatment, wastewater treatment, stormwater treatment, solid waste disposal, or recycling facilities, and any extraordinary maintenance improvements or expansions of transmission, and distribution infrastructure for the electric or gas systems.~~
- ~~▪ Bonds of any amount necessary to pay costs or expenditures related to annexation.~~
- ~~▪ Refunding bonds issued to refinance existing debt.~~
- ~~▪ Notes issued in anticipation of revenue not to exceed \$500,000 with a maximum maturity of 24 months.~~
- ~~▪ Contractual obligations other than bonds and notes, such as lease-purchase contracts.~~

9.2 City of Danville Standards

The City will maintain the following standards to ensure a higher level of financial security than that afforded by meeting minimum State standards:

- Debt to Assessed Value: Debt supported by General Fund tax revenue will not exceed 3.0% of total taxable assessed value of property within City limits. For the purposes of calculating this ratio, assessed value shall include real property and personal property.
 - Debt supported by the 1% sales tax dedicated to school construction shall be excluded from this limit as long as revenues generated by the 1% sales tax are sufficient to pay debt service on the related school construction debt.
- Debt Service to Expenditures: Debt service paid from general tax revenue will not exceed 10% of total General Fund Expenditures, including transfers out.
 - Debt supported by the 1% sales tax dedicated to school construction shall be excluded from this limit as long as revenues generated by the 1% sales tax are sufficient to pay debt service on the related school construction debt.
- Debt Payout Ratio: The City will structure its bond issues to maintain an overall 10-year payout ratio (the amount of principal retired within 10 years) of not less than 60%.
 - Debt supported by the 1% sales tax dedicated to school construction shall be excluded from this limit as long as revenues generated by the 1% sales tax are sufficient to pay debt service on the related school construction debt.
- Derivatives: The City will not use interest rate exchange agreements, swaps, or other derivatives in managing its debt portfolio.

Other standards adhered to by the City of Danville include the following:

- No debt will be issued until an ordinance has been adopted by a **simple majority of** Council by affirmative vote of ~~two-thirds (six of nine)~~ of its members.
- Long-term borrowing for capital improvements will be confined to such improvements and projects that cannot be reasonably financed from current revenues.
- In consideration of bond issue cost, bond issues shall be appropriately sized, preferably not less than \$3 million. Several projects may be grouped together in a single bond issue. However, no single project element should cost less than \$100,000, as lower level expenditures will be included in operating budgets and financed with current revenues.

- Capital improvements that are financed by issuing general obligation bonds, revenue bonds, or other long-term debt, including lease-purchase obligations, will be repaid within a period not to exceed the expected useful life of the improvement.
- Unless required to be credited to a trustee held account by requirements of a trust indenture, it is the accounting policy of the City to recognize temporary investment earnings on bond proceeds in the General Fund in order to match transfers out to the Debt Service Fund for bond interest expenditures.
- To maintain a predictable debt service burden, the City will give preference to debt that carries a fixed interest rate. However, consideration may be given to variable rate debt. Conservative estimates will be used in budgeting variable rate debt service interest expenses. Variable rate debt will be limited to no more than 20% of total outstanding debt.

9.3 Long & Medium-Term Debt

The City makes use of general obligation and revenue bonds for debt financing normally extending over 20 to 30 years and lease-purchase financing for debt paid over five to 10 years.

- General Obligation Bonds -- General obligation bonds will be used for public improvement projects that have a direct benefit to the citizens of Danville. General obligation bonds may be used to finance utility projects if doing so is more cost effective than using revenue bonds.
- Revenue Bonds -- The City uses revenue bonds to finance utility projects when general obligation bonds are not feasible or cost effective.
- Lease-Purchases -- Lease-purchase obligations, bonds, or other debt instruments may be used as a medium-term (4 to 10 years) method of borrowing for the financing of vehicles, specialized equipment, or capital improvements. Assets with a longer useful life may be lease financed if it is determined it is in the City's best interest. The equipment or improvement must have an expected life of more than five years and cost in excess of \$100,000. Such debt will be paid before expiration of the expected life of the equipment or improvement acquired.

9.4 Short-Term Debt

The City's policies regarding fund balance and unrestricted cash reserves are designed to eliminate the need to borrow to meet operating cash flow requirements. However, from time to time, as part of an overall plan to stabilize utility rates and manage its utility business over a multi-year planning period, the City

may borrow on a short-term basis through the issuance of short-term notes or through the procurement of a line of credit. Security for the notes or line of credit may include a pledge of utility revenues on a gross or net basis or the general obligation pledge of the City. Bond Anticipation Notes (BANs) may be issued for capital related cash purposes to reduce the debt service during the construction period of a project or to provide interim financing. BAN financing is limited to five years or less.

10. Capitalization

Capital costs are costs incurred on the purchase of land, buildings, construction and equipment to be used in the provision of municipal services. Capital costs do not include labor costs except for labor used for construction. Unlike operating costs, capital costs are one-time expenses, although payment may be spread out, or “capitalized,” over many years in financial reports. Capital outlays are budgeted as expenditures during the applicable fiscal year and then as fixed assets in financial statements thereafter. The threshold for capitalizing capital assets is \$5,000 for equipment, \$25,000 for capital leases, and \$100,000 for infrastructure and buildings. Capitalization thresholds are applied to individual, rather than to groups of fixed assets. Fixed asset accounts are not treated as having cash value in governmental accounting.

The following policies apply to the capitalization of fixed assets:

- Capital assets are reported as the sum of the initial invoice cost, the value of any trade-in for equipment items, installation cost excluding in-house labor, and ancillary charges, such as freight and transportation charges, site preparation costs, and professional fees. Interest costs for borrowed funds are capitalized for construction projects only.
- Donated capital assets are valued at their estimated fair market value on the date donated.
- Maintenance, repairs, and minor equipment are charged to operations when incurred and are booked as fixed assets in the event they materially change capacities or extend useful lives of capital assets.
- Depreciation of fixed assets is recorded over applicable useful lives on a straight-line basis.
- Upon the sale or retirement of land, buildings, and equipment, the cost and related accumulated depreciation, if applicable, are eliminated from the respective accounts, and any resulting gain or loss is included in current year's operations.

11. Grants

City departments will take full advantage of state, federal, business, and foundation grants to achieve municipal goals and objectives. The City Manager will ensure that required matching funds are available before making application for grants and that careful consideration is given to administrative and regulatory requirements, as well as accommodation of ongoing operating costs. Grants that require budget adjustments to authorize increased expenditures are taken to City Council in the form of proposed budget ordinance amendments.

12. Pay Adjustments for City Retirees

Amended by Resolution 2014-06.01 of the Danville City Council, June 3, 2014

Chapter 32 of the City Code establishes the Employees' Retirement System (ERS) of the City of Danville for the purpose of providing a pension benefit to City employees upon retirement. The City strives to provide a pension benefit that is competitive in order to hire and retain a highly skilled workforce. However, pension benefits must also be affordable and the ERS plan must maintain a healthy funded status with sufficient investment earnings and City contribution levels that are sustainable within the City's budget. This ensures the City's ability to provide a promised benefit to both current and future retirees.

The pension benefit shall be calculated according to Chapter 32, Article III of the City Code. The City will not grant post-retirement cost-of-living increases for its retirees through the ERS. However, in the event that the following criteria are met, lump sum ad-hoc pension bonuses of up to one-half of the retiree's base pension payment may be appropriated by City Council from current operating revenues as part of the annual personnel expense budget. Only those hired before July 1, 2014 are eligible to receive bonuses. The following criteria will be used to consider provision of such bonuses:

1. **Cumulative inflation growth of at least 5% since the last calculation date (not the last bonus payment date) that qualified retirees for a bonus payment as measured by the "All Urban Consumers Consumer Price Index" (CPI-U)** ~~The cumulative inflation growth since the most recent pay adjustment for retirees as measured by the "All Urban Consumers Consumer Price Index" (CPI-U) has been at least 5%;~~
2. The Retirement System's funded status for the prior fiscal year is at least 90% (as calculated by dividing actuarial value of assets by the accrued liability as of the appropriate valuation date);
3. The City's contribution to fund the normal cost of the pension plan, as a percent of payroll, for the budgetary period under review is no more than 12%; and
4. Operating revenues from applicable funds are available to cover the cost.

The following chart will be used to determine the amount of bonus to be considered by Council based on varying levels of ERS funding contributions.

The bonus amount will be calibrated against the City's combined contribution to fund the normal pension cost. In no event will the Council-authorized bonus exceed one-half of the retiree's normal monthly benefit payment.

<u>City's Combined ERS Contribution as % of Payroll*</u>	<u>% of Bonus Available</u>
> 12%	0
> 11% but ≤ 12%	25%
> 10% but ≤ 11%	50%
> 9% but ≤ 10%	75%
≤ 9%	100%

*As determined in the appropriate actuarial valuation

Retirees are not eligible for a bonus until the first year anniversary of their retirement date. The retirement date is defined as the first day of the month following the employee's separation date.

The cost of the bonus will be allocated to the various City funds based on each fund's full-time payroll budget.

The effective date of this plan provision is July 1, 2014.

Appendix

City of Danville Funds

Operating Funds

- The General Fund – The General Fund is the primary operating fund for government activities. Its most significant sources of funding are general property taxes, other local taxes and transfers from the various utility funds. The most significant expenditures from this fund are for public safety, public works programs including infrastructure maintenance, health and welfare programs and contributions to other funds for education and capital improvements. The accounting records are maintained on a modified accrual basis.

Enterprise Funds

Utility Funds: The Wastewater, Water, Gas, Electric, and Telecommunications Funds are all designed to be self-supporting with user fees that cover the expenses for the collection system and treatment facilities and contributions to the General Fund. All use an accrual basis of accounting.

- Wastewater Fund – This fund provides accountability for activities relating to the treatment of household, commercial, and industrial wastewater.
- Water Fund – This fund provides accountability for activities relating to the treatment and distribution of potable water to residential, commercial, and industrial users.
- Gas Fund – This fund provides accountability for activities relating to the purchase and distribution of natural gas to residential, commercial, and industrial users.
- Electric Fund – This fund provides accountability relating to the purchase of electricity, production of electricity, and operating and maintenance costs. The operating and maintenance costs cover the hydro-electric facilities, transmission system and the distribution system.
- Telecommunications Fund – The Telecommunications Fund is an e-Rate service provider to the Danville Public Schools and the Pittsylvania County Schools and maintains and operates nDanville, a high-tech fiber optic network.

Other Enterprise Funds:

- Transportation Fund – This fund provides for activities relating to mass transit bus services. The fund is on an accrual basis of accounting. However, the fund is not self-supporting. Operation and maintenance costs

are paid by user fees from passengers of the bus service, local federal and state grants and transfers from the General Fund.

- Sanitation Fund – This fund provides for activities relating to the collection and disposal of solid waste. This fund is self-supporting with user fees, which cover the operating and maintenance cost. The fund is on an accrual basis of accounting.
- Cemetery Services Fund – The Cemetery Fund provides for funeral services, sale of lots and record keeping. The staff provides services to local funeral homes and can assist residents and non-residents who are interested in purchasing at-need and pre-need burial lots. Additionally, this fund provides for the maintenance of the eight municipally owned cemeteries. The fund is designed to be self –supporting; however, an annual subsidy from the General Fund has been required. The fund is on an accrual basis of accounting.

Internal Service Funds:

- Insurance Fund – This fund provides accountability for all City costs relating to workers compensation on a self-insured basis, general insurance provided by outside insurance carriers – excluding group health and life, risks covered by statewide pools and risks other than worker compensation on a self-insured basis. The fund is supported by charges to the user departments on a cost-reimbursement basis and is on a modified accrual basis of accounting.
- Central Services Fund – This fund provides accountability for the acquisition of office supplies, the cost of interoffice mail, central mailroom and printing services, which are provided to the various department of the city. The fund is supported by charges to the user departments on a cost-reimbursement basis and is on a modified accrual basis of accounting.
- Motorized Equipment Fund – This fund provides accountability for the acquisition and maintenance of motorized vehicles for various departments of the City. The fund is supported by charges to the user department on a cost-reimbursement basis and is on a modified accrual basis.

Special Funds:

- Capital Projects Fund – General Government – This fund provides accountability for financial resources used for major construction projects relating to general government use. Funding resources include proceeds from the sale of bonds, federal and state grants and transfers from the General Fund. The fund operates on a modified accrual basis of accounting.
- Community Development Fund – This fund provides accountability for projects and programs involving Federal funds received through the Community Development Block Grant (CDBG) program. Funding

resources include CDBG funds and program income from some of the programs. The fund operates on a modified accrual basis.

Fiduciary Funds:

- Cemetery Maintenance Fund – This fund is a permanent fund used to account for funds set aside to provide for the perpetual care of the City cemeteries. Only the earnings from the investments of this fund may be expended.
- Retirement Fund – This fund is used to account for the investments of the City of Danville Employees Retirement System. This fund is audited and provides financial reports separate from all other City funds. Funding is provided by contributions from the City and investment earnings.

Council Letter City of Danville, Virginia



CL - 1564

NEW BUSINESS G.

City Council REGULAR MEETING

Meeting Date: October 1, 2024

Subject: Aviation Promotion Grant.

From: Marc Adelman, Director of Transportation Services

COUNCIL ACTION

An Ordinance Amending the Fiscal Year 2025 Budget Appropriation Ordinance to Provide for a State Department of Aviation Grant for the Purpose of Providing Funding to Promote Aviation Awareness at the Danville Regional Airport in the Amount of \$5,000 and for the Local Share in the Amount of \$5,000 to be Provided by the General Fund Support of Grants for a Total Appropriation of \$10,000 and Appropriating Same.

First Reading

SUMMARY

In August, the Virginia Department of Aviation approved an aviation promotion grant request to support an Airport Open House and Free Fly Day for children. Available grant funding will be used to support related costs for the special event. The event will be held on Saturday, November 2, 2024. A rain date will be scheduled for Saturday, November 16th.

BACKGROUND

An Airport Open House and Free Fly Day for children will be held on Saturday, November 2, 2024, at the Danville Regional Airport. The last Open House Free Fly Day occurred on April 29, 2023. A state aviation grant was awarded by the Virginia Department of Aviation to assist with financing related costs for the special event. Free airplane rides will be provided by Averett University's flight instructors for children ages 8 to 17. Tours of airport facilities will be completed as part of the Airport Open House activities.

RECOMMENDATION

It is recommended that City Council approve the attached Ordinance to appropriate state aviation promotion grant and local funds to support the special event.

Attachments

1. Ordinance
-

PRESENTED: _____

ADOPTED: _____

ORDINANCE NO. 2024____.

AN ORDINANCE AMENDING THE FISCAL YEAR 2025 BUDGET APPROPRIATION ORDINANCE TO PROVIDE FOR A STATE DEPARTMENT OF AVIATION GRANT FOR THE PURPOSE OF PROVIDING FUNDING TO PROMOTE AVIATION AWARENESS AT THE DANVILLE REGIONAL AIRPORT IN THE AMOUNT OF \$5,000 AND FOR THE LOCAL SHARE IN THE AMOUNT OF \$5,000 TO BE PROVIDED BY THE GENERAL FUND SUPPORT OF GRANTS FOR A TOTAL APPROPRIATION OF \$10,000 AND APPROPRIATING SAME.

NOW THEREFORE, BE IT ORDAINED by the Council of the City of Danville, Virginia that the 2025 Budget Appropriation Ordinance be, and it is hereby, amended by increasing revenues for a grant from the Commonwealth of Virginia, Department of Aviation, in an amount of \$5,000 for promotion activities at the Danville Regional Airport, and the local share for said grant in an amount of \$5,000 to be provided by the General Fund Support of Grants for an aggregate amount of \$10,000, such funds to be appropriated as follows:

ANTICIPATED REVENUES

<u>Description</u>	<u>Account No.</u>	<u>Amount</u>
FY25 Aviation Promotion Grant Categorical Aid - State	61991000-45712	\$ 5,000
Local Share Transfer from General Fund	61991000-6101	<u>\$ 5,000</u>
	TOTAL	<u>\$ 10,000</u>

ANTICIPATED EXPENDITURES

<u>Description</u>	<u>Account No.</u>	<u>Amount</u>
FY25 Aviation Promotion Grant	61991999-50	<u>\$ 10,000</u>

AND BE IT FURTHER ORDAINED that all other accounts and provisions of the 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 - 1609

NEW BUSINESS H.

City Council REGULAR MEETING

Meeting Date: October 1, 2024

Subject: Consideration of Amending the Fiscal Year 2025 Budget Appropriation Ordinance to Provide Funds for the Housing Study Action Plan.

From: Henrietta Weaver, Budget Director

COUNCIL ACTION

An Ordinance Amending the Fiscal Year 2025 Budget Appropriation Ordinance to Provide Funding from Unassigned General Fund Balance for the Housing Study Action Plan in the Amount of \$2,000,000 and Appropriating Same.

First Reading

SUMMARY

Like many cities, Danville has a shortage of housing options for all income levels. A recent study determined that the housing shortage in Danville is most severe at the middle income to upper middle income level. The shortage of housing at that level prevents people and families from moving into housing that better meets their needs as their family and household income improves over their lifetime. This has resulted in creating more demand for housing that is typically available (but not in Danville) for people starting careers and families, which increases costs for housing typically purchased by people and families just starting out their careers in the workforce.

Staff intends to partner with outside agencies and the private sector to encourage additional housing for segments of the housing market that do not exist at sufficient levels. Staff will target these funds to projects that improve housing options with a goal to create safe, affordable, and energy efficient housing for all income levels. Like Danville's investment in the River District, which has resulted in significant private investment, the goal is for Danville to partner with developers and others to "prove" the market and encourage additional private investment, which will help to lower housing costs compared to what would occur if no action is taken.

BACKGROUND

The City of Danville commissioned a study to determine what it can do to encourage additional housing within the City limits. Incentive programs adopted as a response to this study have successfully led to additional multifamily housing, but not resulted in significant new single family housing developments. These funds will be used to encourage developers to invest in new single family housing projects that increase supply and offer additional affordable options for individuals and families at all income levels. Improving housing options will make Danville a more attractive option for higher-wage job employers looking to locate new facilities in our region. These new businesses will provide more opportunity for people living in Danville, raising their quality of life, and improving their economic outcomes.

RECOMMENDATION

It is recommended that the City Council approve the budget ordinance approving \$2 million in additional funding to pay for projects recommended in the housing study.

Attachments

1. Ordinance
-

PRESENTED: _____

ADOPTED: _____

ORDINANCE NO. 2024 - ____.

AN ORDINANCE AMENDING THE FISCAL YEAR 2025 BUDGET APPROPRIATION ORDINANCE TO PROVIDE FUNDING FROM UNASSIGNED GENERAL FUND BALANCE FOR THE HOUSING STUDY ACTION PLAN IN THE AMOUNT OF \$2,000,000 AND APPROPRIATING SAME.

WHEREAS, the City of Danville has determined that there is a gap in the housing market in the community; and

WHEREAS, there are opportunities for the City to invest in housing opportunities that will increase the availability and variety of housing with a goal to encourage the establishment of safe, affordable, and energy-efficient housing for all income levels;

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 a transfer from unassigned fund balance to fund the Housing Study Action Plan and appropriating the same:

TRANSFER FROM

<u>Description</u>	<u>Account No.</u>	<u>Amount</u>
General Fund Unassigned Fund Balance		<u>\$ 2,000,000</u>

TRANSFER TO

<u>Description</u>	<u>Account No.</u>	<u>Amount</u>
General Fund Transfer to Economic Development	0199501-6098	<u>\$ 2,000,000</u>

AND BE IT FURTHER 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 an appropriation for the Housing Study Action Plan in the Economic Development Fund in the amount of \$2,000,000 and appropriating the same:

ANTICIPATED REVENUES

<u>Description</u>	<u>Account No.</u>	<u>Amount</u>
Housing Study Action Plan Transfer In From General Fund	61919000-6101	<u>\$ 2,000,000</u>

ANTICIPATED EXPENDITURES

<u>Description</u>	<u>Account No.</u>	<u>Amount</u>
Housing Study Action Plan	61919999-50	<u>\$ 2,000,000</u>

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

AND BE IT 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:

CLERK

Approved as to
Form and Legal Sufficiency:

City Attorney