



DANVILLE CITY COUNCIL REGULAR MEETING AGENDA

MUNICIPAL BUILDING

February 4, 2025

7:00 PM

PRESIDING: Alonzo L. Jones, Mayor

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

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

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

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

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

Time and Place of Meeting

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

Communications from Visitors

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

Guidelines for Public Hearings

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

MEETING CALLED TO ORDER

ROLL CALL

INVOCATION - COUNCIL MEMBER GARY P. MILLER

PLEDGE OF ALLEGIANCE TO THE FLAG

ANNOUNCEMENTS AND SPECIAL RECOGNITION

- A. Presentation: Averett University
By: Dr. David Joyce

MEETING MINUTES

- A. Consideration of Approval of Minutes from Regular Council Meeting held on January 7, 2025.
Council Letter Number CL - 1869.
Consideration of Approval of Minutes from Regular Council Meeting held on January 7, 2025.

APPOINTMENTS

- A. Consideration of Appointments to Boards and Commissions
Council Letter Number CL - 1868.
Consideration of the following Appointment Resolutions:
1. A Resolution Reappointing Bryant Hood to the Dan River Business Development Board.
 2. A Resolution Reappointing Bryant Hood to the Danville Development Council.
 3. A Resolution Reappointing Sherman M. Saunders to the Employee Retirement System Board.
 4. A Resolution Reappointing J. Lee Vogler to the Metropolitan Planning Organization.
 5. A Resolution Reappointing J. Lee Vogler, Jr., to the West Piedmont Planning District Commission.
 6. A Resolution Reappointing Barry Mayo to the Pittsylvania County Community Action Board.

NEW BUSINESS

- A. Consideration of a Special Use Permit Application to Allow Attached Residential Dwellings at Parcels 00499 and 00500 (Aspen Street).
Council Letter Number CL - 1839.
1. Public Hearing
 2. An Ordinance Granting Special Use Permit Application PZ24- 00611, filed by MACD Lending, LLC, Requesting a Special Use Permit to Allow an Attached Residential Dwelling at Parcels 00499 and 00500 (Aspen Street) in Accordance with Article 3.E., Section C, Item 1.

- B. Consideration of Amending and Adopting Changes to the Commercial Property Assessed Clean Energy (C-PACE) Financing Program.
Council Letter Number CL - 1791.
1. Public Hearing
 2. An Ordinance Repealing and Reordaining in its Entirety Chapter 10.5, Entitled "Commercial Property Assessed Clean Energy (C-PACE) Financing Program", of the Code of the City of Danville, Virginia, 1986, As Amended.
- C. Consideration of a Resolution to Transfer Ownership of Parcel #59921 to the Danville School Board.
Council Letter Number CL - 1658.
1. Public Hearing
 2. A Resolution Declaring City-Owned Parcel #59921 Piney Forest Road to be Surplus to the Needs of the City and Authorizing the City Manager to Convey Such Property to the School Board of the City of Danville.
- D. Consideration of the Release of City Held Liens on Five Properties to Facilitate their Donation to the Danville Redevelopment and Housing Authority.
Council Letter Number CL - 1656.
- A Resolution Approving and Authorizing the Release of City-Held Liens Against Real Property Identified as Parcels #01542, #03684, #04560, #24020, and #25759, to Facilitate their Donation to the Danville Redevelopment and Housing Authority.
- E. Consideration of a Resolution Granting an Easement to Lumos Networks for Installation and Maintenance of Cable Fiber.
Council Letter Number CL - 1657.
- A Resolution Authorizing the City Manager to Convey an Easement Across Parcel #76311 on South Boston Road to Allow for the Installation and Maintenance of Cable Fiber.
- F. Consideration of Approving and Authorizing the City's Acceptance of Real Property from the Danville Redevelopment and Housing Authority.
Council Letter Number CL - 1659.
- A Resolution Approving and Authorizing the Acceptance of Real Property Identified as Parcel #05002 Located on Locust Lane and Parcel #56948 Located on Bishop Avenue from the Danville Redevelopment and Housing Authority to Facilitate Infrastructure Improvements.
- G. Consideration of a Resolution Petitioning the Virginia Department of Transportation to Transfer Three Parcels to the City of Danville.
Council Letter Number CL - 1661.
- A Resolution Petitioning the Commonwealth Transportation Board to Transfer Certain Surplus Real Property to the City of Danville.
- H. Consideration of Designating Revitalization Areas in the City of Danville.
Council Letter Number CL - 1820.
- A Resolution Designating U.S. Census Tracts 1, 2, 3, 4, 5, 6, 8, 9, 10, 11, 12, 13.01, 13.02, and 14 as Revitalization Areas.
- I. Consideration of a Moral Obligation to the Virginia Small Business Finance Authority.
Council Letter Number CL - 1854.
- A Resolution of the City Council of the City of Danville, Virginia Approving Support Agreement.

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

January 7, 2025

The Regular January meeting of the Danville City Council was held on January 7, 2025, at 7:00 p.m. in the Council Chambers located on the Fourth Floor of the Municipal Building. The following Council Members were present: Vice Mayor James B. Buckner, L.G. "Larry" Campbell, Jr., Bryant Hood, Mayor Alonzo L. Jones, Barry P. Mayo, Dr. Gary P. Miller, Sherman M. Saunders, J. Lee Vogler, Jr., and Madison J.R. Whittle (9). *Mr. Whittle entered the meeting at 7:03 p.m.*

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

Mayor Jones presided.

INVOCATION AND PLEDGE OF ALLEGIANCE

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

MEETING MINUTES

Upon Motion by Council Member Vogler and second by Council Member Hood, the Minutes from Regular Council Meeting held on November 7, 2024, were approved as presented. Draft copies of the minutes had been distributed prior to the meeting.

NEW BUSINESS

CONSIDERATION OF A SPECIAL USE PERMIT APPLICATION FILED BY DANVILLE PUBLIC SCHOOLS TO ALLOW WAIVER OF MAXIMUM SIGN AREA AT THIRTEEN LOCATIONS

Mayor Jones opened the floor for a Public Hearing regarding Special Use Permits at Thirteen Locations for Danville Public Schools. Notice of the Public Hearing was published in the *Danville Register & Bee* on December 24, 2024, and December 31, 2024.

Mayor Jones recognized Walter Lucas, Director of Capital Improvement for Danville Public Schools, who stated DPS was asking for these special use permits to make all signs uniform, district wide. No one further desired to be heard, and the Public Hearing was closed.

Consideration of Granting a Special Use Permit filed by Danville Public Schools to Allow Waiver of Maximum Sign Area at Parcel 26356 – 280 Christopher Lane.

Vice Mayor Buckner **moved** for adoption of an Ordinance entitled:

ORDINANCE NO. 2025-01.01

AN ORDINANCE GRANTING SPECIAL USE PERMIT APPLICATION PZ24- 00522, FILED BY DANVILLE PUBLIC SCHOOLS, REQUESTING A SPECIAL USE PERMIT TO ALLOW A WAIVER OF MAXIMUM SIGN AREA AT PARCEL 26356 (280 CHRISTOPHER LANE) IN ACCORDANCE WITH ARTICLE 3.I. SECTION C ITEM 25.

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

VOTE: 9-0
AYE: Buckner, Campbell, Hood, Jones, Mayo, Miller,

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Saunders, Vogler, and Whittle (9)
NAY: None (0)

Consideration of Granting a Special Use Permit filed by Danville Public Schools to Allow Waiver of Maximum Sign Area at Parcel 26370 – 220 Cleveland Street and 228 Cleveland Street.

Vice Mayor Buckner **moved** for adoption of an Ordinance entitled:

ORDINANCE NO. 2025-01.02

AN ORDINANCE GRANTING SPECIAL USE PERMIT APPLICATION PZ24- 00522, FILED BY DANVILLE PUBLIC SCHOOLS, REQUESTING A SPECIAL USE PERMIT TO ALLOW A WAIVER OF MAXIMUM SIGN AREA AT PARCEL 26370 (220 CLEVELAND STREET AND 228 CLEVELAND STREET) IN ACCORDANCE WITH ARTICLE 3.I. SECTION C ITEM 25.

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

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

Consideration of Granting a Special Use Permit filed by Danville Public Schools to Allow Waiver of Maximum Sign Area at Parcel 74769 – 1540 Halifax Road.

Vice Mayor Buckner **moved** for adoption of an Ordinance entitled:

ORDINANCE NO. 2025-01.03

AN ORDINANCE GRANTING SPECIAL USE PERMIT APPLICATION PZ24- 00522, FILED BY DANVILLE PUBLIC SCHOOLS, REQUESTING A SPECIAL USE PERMIT TO ALLOW A WAIVER OF MAXIMUM SIGN AREA AT PARCEL 74769 (1540 HALIFAX ROAD) IN ACCORDANCE WITH ARTICLE 3.I. SECTION C ITEM 25.

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

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

Consideration of Granting a Special Use Permit filed by Danville Public Schools to Allow Waiver of Maximum Sign Area at Parcel 60160 – 1400 West Main Street.

Vice Mayor Buckner **moved** for adoption of an Ordinance entitled:

ORDINANCE NO. 2025-01.04

AN ORDINANCE GRANTING SPECIAL USE PERMIT APPLICATION PZ24- 00522, FILED BY DANVILLE PUBLIC SCHOOLS, REQUESTING A SPECIAL USE PERMIT TO ALLOW A WAIVER

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OF MAXIMUM SIGN AREA AT PARCEL 60160 (1400 WEST MAIN STREET) IN ACCORDANCE WITH ARTICLE 3.I. SECTION C ITEM 25.

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

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

Consideration of Granting a Special Use Permit filed by Danville Public Schools to Allow Waiver of Maximum Sign Area at Parcel 26346 – 155 Mountain View Avenue

Vice Mayor Buckner **moved** for adoption of an Ordinance entitled:

ORDINANCE NO. 2025-01.05

AN ORDINANCE GRANTING SPECIAL USE PERMIT APPLICATION PZ24- 00522, FILED BY DANVILLE PUBLIC SCHOOLS, REQUESTING A SPECIAL USE PERMIT TO ALLOW A WAIVER OF MAXIMUM SIGN AREA AT PARCEL 26346 (155 MOUNTAIN VIEW AVENUE) IN ACCORDANCE WITH ARTICLE 3.I. SECTION C ITEM 25.

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

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

Consideration of Granting a Special Use Permit filed by Danville Public Schools to Allow Waiver of Maximum Sign Area at Parcel 59935 – 825 Piney Forest Road

Vice Mayor Buckner **moved** for adoption of an Ordinance entitled:

ORDINANCE NO. 2025-01.06

AN ORDINANCE GRANTING SPECIAL USE PERMIT APPLICATION PZ24- 00522, FILED BY DANVILLE PUBLIC SCHOOLS, REQUESTING A SPECIAL USE PERMIT TO ALLOW A WAIVER OF MAXIMUM SIGN AREA AT PARCEL 59935 (825 PINEY FOREST ROAD) IN ACCORDANCE WITH ARTICLE 3.I. SECTION C ITEM 25.

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

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

Consideration of Granting a Special Use Permit filed by Danville Public Schools to Allow Waiver of Maximum Sign Area at Parcel 59920 – 300 Apollo Avenue and 500 Apollo Avenue.

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Vice Mayor Buckner **moved** for adoption of an Ordinance entitled:

ORDINANCE NO. 2025-01.07

AN ORDINANCE GRANTING SPECIAL USE PERMIT APPLICATION PZ24- 00522, FILED BY DANVILLE PUBLIC SCHOOLS, REQUESTING A SPECIAL USE PERMIT TO ALLOW A WAIVER OF MAXIMUM SIGN AREA AT PARCEL 59920 (300 APOLLO AVENUE AND 500 APOLLO AVENUE) IN ACCORDANCE WITH ARTICLE 3.I. SECTION C ITEM 25.

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

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

Consideration of Granting a Special Use Permit filed by Danville Public Schools to Allow Waiver of Maximum Sign Area at Parcel 59898 – 1070 South Main Street.

Vice Mayor Buckner **moved** for adoption of an Ordinance entitled:

ORDINANCE NO. 2025-01.08

AN ORDINANCE GRANTING SPECIAL USE PERMIT APPLICATION PZ24- 00522, FILED BY DANVILLE PUBLIC SCHOOLS, REQUESTING A SPECIAL USE PERMIT TO ALLOW A WAIVER OF MAXIMUM SIGN AREA AT PARCEL 59898 (1070 SOUTH MAIN STREET) IN ACCORDANCE WITH ARTICLE 3.I. SECTION C ITEM 25.

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

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

Consideration of Granting a Special Use Permit filed by Danville Public Schools to Allow Waiver of Maximum Sign Area at Parcel 59949 – 811 Northmont Boulevard and 121 Gloucester Avenue.

Vice Mayor Buckner **moved** for adoption of an Ordinance entitled:

ORDINANCE NO. 2025-01.09

AN ORDINANCE GRANTING SPECIAL USE PERMIT APPLICATION PZ24- 00522, FILED BY DANVILLE PUBLIC SCHOOLS, REQUESTING A SPECIAL USE PERMIT TO ALLOW A WAIVER OF MAXIMUM SIGN AREA AT PARCEL 59949 (811 NORTHMONT BOULEVARD AND 121 GLOUCESTER AVENUE) IN ACCORDANCE WITH ARTICLE 3.I. SECTION C ITEM 25.

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

VOTE: 9-0
AYE: Buckner, Campbell, Hood, Jones, Mayo, Miller,

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Saunders, Vogler, and Whittle (9)
NAY: None (0)

Consideration of Granting a Special Use Permit filed by Danville Public Schools to Allow Waiver of Maximum Sign Area at Parcel 04958 – 1005 North Main Street.

Vice Mayor Buckner **moved** for adoption of an Ordinance entitled:

ORDINANCE NO. 2025-01.10

AN ORDINANCE GRANTING SPECIAL USE PERMIT APPLICATION PZ24- 00522, FILED BY DANVILLE PUBLIC SCHOOLS, REQUESTING A SPECIAL USE PERMIT TO ALLOW A WAIVER OF MAXIMUM SIGN AREA AT PARCEL 04958 (1005 NORTH MAIN STREET) IN ACCORDANCE WITH ARTICLE 3.I. SECTION C ITEM 25.

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

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

Consideration of Granting a Special Use Permit filed by Danville Public Schools to Allow Waiver of Maximum Sign Area at Parcel 59914 – 614 Audubon Drive.

Vice Mayor Buckner **moved** for adoption of an Ordinance entitled:

ORDINANCE NO. 2025-01.11

AN ORDINANCE GRANTING SPECIAL USE PERMIT APPLICATION PZ24- 00522, FILED BY DANVILLE PUBLIC SCHOOLS, REQUESTING A SPECIAL USE PERMIT TO ALLOW A WAIVER OF MAXIMUM SIGN AREA AT PARCEL 59914 (614 AUDUBON DRIVE) IN ACCORDANCE WITH ARTICLE 3.I. SECTION C ITEM 25.

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

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

Consideration of Granting a Special Use Permit filed by Danville Public Schools to Allow Waiver of Maximum Sign Area at Parcel 59856 – 661 Park Avenue.

Vice Mayor Buckner **moved** for adoption of an Ordinance entitled:

ORDINANCE NO. 2025-01.12

AN ORDINANCE GRANTING SPECIAL USE PERMIT APPLICATION PZ24- 00522, FILED BY DANVILLE PUBLIC SCHOOLS, REQUESTING A SPECIAL USE PERMIT TO ALLOW A WAIVER

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OF MAXIMUM SIGN AREA AT PARCEL 59856 (661 PARK AVENUE) IN ACCORDANCE WITH ARTICLE 3.I. SECTION C ITEM 25.

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

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

Consideration of Granting a Special Use Permit filed by Danville Public Schools to Allow Waiver of Maximum Sign Area at Parcel 26422 – 1215 Industrial Avenue.

Vice Mayor Buckner **moved** for adoption of an Ordinance entitled:

ORDINANCE NO. 2025-01.13

AN ORDINANCE GRANTING SPECIAL USE PERMIT APPLICATION PZ24- 00522, FILED BY DANVILLE PUBLIC SCHOOLS, REQUESTING A SPECIAL USE PERMIT TO ALLOW A WAIVER OF MAXIMUM SIGN AREA AT PARCEL 26422 (1215 INDUSTRIAL AVENUE) IN ACCORDANCE WITH ARTICLE 3.I. SECTION C ITEM 25.

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

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

CONSIDERATION OF A REZONING APPLICATION FILED BY YASSINE MOUSSADDIK TO REZONE 1819 NORTH MAIN STREET

Mayor Jones opened the floor for a Public Hearing regarding a Rezoning Application at 1819 North Main Street. Notice of the Public Hearing was published in the *Danville Register & Bee* on December 24, 2024, and December 31, 2024.

Mayor Jones recognized Yassine Moussaddik, owner of 1819 North Main Street, who stated he purchased the property as a commercial property and was unaware that it was zoned residential. It was built as a commercial building as well as the surrounding buildings. Mr. Moussaddik passed out pictures of the property showing the building, surrounding buildings, and the parking lot that was showing commercial use. He planned to use the property for a small convenience store or smoke shop.

Mayor Jones asked Division Director of Planning Renee Burton to come to the podium. Council Member Vogler stated that fifty-one notices were sent out to surrounding property owners and only one opposition was sent back. There was a unanimous denial from the Planning Commission, did they give a reason why, and Ms. Burton stated there were multiple inconsistencies with the Comprehensive Plan and the surrounding neighborhood. Mr. Vogler stated the building has been vacant for at least twenty years, was there another plan for it if this was not passed, and Ms. Burton stated that under its current classification, someone would have to demo the property and build a residential home. Mr. Vogler stated he understood being

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consistent and going by the books, but seeing a property being vacant for this long, having someone want to revitalize it only to be shot down, and then not having any future prospects and becoming an eye sore, makes him lean toward voting yes. Mayor Jones noted his agreement that this property was on the verge of being blighted. Council Member Campbell asked Ms. Burton what she was referring to as “inconsistent”, and she stated that all surrounding properties with the exception of one were residential use; it was rezoned in 2004 with the city-wide rezoning. No one further desired to be heard, and the public hearing was closed.

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

ORDINANCE NO. 2025-01.14

AN ORDINANCE REZONING FROM OT-R OLD TOWN RESIDENTIAL TO N-CC “CONDITIONAL” NEIGHBORHOOD COMMERCIAL PARCEL ID 04540 (1819 NORTH MAIN STREET).

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

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

CONSIDERATION OF A SPECIAL USE PERMIT APPLICATION FILED BY PATTERSON’S RESIDENTIAL SERVICES LLC TO ALLOW A GROUP HOME AT 145 SHERWOOD DRIVE

Mayor Jones opened the floor for a Public Hearing regarding a Special Use Permit at 145 Sherwood Drive. Notice of the Public Hearing was published in the *Danville Register & Bee* on December 24, 2024, and December 31, 2024.

Mayor Jones recognized Mrs. Patterson who stated she was requesting a special use permit waiver to operate a group home that will be licensed through the Department of Behavioral Health and Developmental Services. No one further desired to be heard, and the Public Hearing was closed.

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

ORDINANCE NO. 2025-01.15

AN ORDINANCE GRANTING SPECIAL USE PERMIT APPLICATION PZ24- 00597, FILED BY PATTERSON’S RESIDENTIAL SERVICES, LLC, REQUESTING A SPECIAL USE PERMIT TO ALLOW A GROUP HOME AT PARCEL 01953 (145 SHERWOOD DRIVE) IN ACCORDANCE WITH ARTICLE 3.E. SECTION C ITEM 9.

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

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

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CONSIDERATION OF A REZONING APPLICATION FILED BY RICHARD & JANE HOLBROOK TO REZONE 924 ARNETT BOULEVARD

Mayor Jones opened the floor for a Public Hearing regarding a Rezoning Application at 924 Arnett Boulevard. Notice of the Public Hearing was published in the *Danville Register & Bee* on December 24, 2024, and December 31, 2024.

Mayor Jones recognized Richard Holbrook who stated the building was originally a laundromat back in the 1970's. The rezoning done in 2004 moved it back to residential, and they were asking Council to consider rezoning for commercial use. No one further desired to be heard, and the Public Hearing was closed.

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

ORDINANCE NO. 2025-01.16

AN ORDINANCE REZONING FROM OT-R OLD TOWN RESIDENTIAL TO HR-CC "CONDITIONAL" HIGHWAY RETAIL COMMERCIAL PARCEL ID 00319 (924 ARNETT BOULEVARD).

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

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

CONSIDERATION OF A SPECIAL USE PERMIT APPLICATION FILED BY GARRETT SHIFFLETT TO ALLOW A WAIVER OF MAXIMUM DENSITY AT 553 LYNN STREET.

Mayor Jones opened the floor for a Public Hearing regarding a Special Use Permit at 553 Lynn Street. Notice of the Public Hearing was published in the *Danville Register & Bee* on December 24, 2024, and December 31, 2024.

Mayor Jones recognized Austin Bond, who appeared on behalf of Mr. Garrett, and stated this was their next project and will complete the block. No one further desired to be heard, and the Public Hearing was closed.

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

ORDINANCE NO. 2025-01.17

AN ORDINANCE GRANTING SPECIAL USE PERMIT APPLICATION PZ24- 00598, FILED BY GARRETT SHIFFLETT, REQUESTING A SPECIAL USE PERMIT TO ALLOW A WAIVER OF MAXIMUM DENSITY AT PARCEL 21670 (553 LYNN STREET) IN ACCORDANCE WITH ARTICLE 3.L. SECTION C ITEM 13.

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

VOTE: 9-0

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

CONSIDERATION OF AUTHORIZING AND APPROVING THE EXECUTION OF A MORAL OBLIGATION AGREEMENT BY AND BETWEEN THE CITY OF DANVILLE, VIRGINIA AND THE VIRGINIA SMALL BUSINESS FINANCING AUTHORITY

Vice Mayor Buckner **moved** for adoption of a Resolution entitled:

RESOLUTION NO. 2025-01.02

A RESOLUTION AUTHORIZING AND APPROVING THE EXECUTION OF A MORAL OBLIGATION AGREEMENT BY AND BETWEEN THE CITY OF DANVILLE, VIRGINIA AND THE VIRGINIA SMALL BUSINESS FINANCING AUTHORITY.

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

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

COMMUNICATIONS FROM VISITORS

No citizens signed up to speak.

COMMUNICATIONS

City Manager Ken Larking asked Director of Economic Development and Tourism, Corrie Bobe, to come to the podium to speak about the postcards at Council seats. Ms. Bobe explained that staff had mailed these postcards out to every small business in the City Danville. Over the past year, they have built a robust series of workshops to support their SWaM business community and wanted to further expand who they were reaching out to. The first workshop for the small and large businesses was on January 30th; it was called "Untapped Talent". It was an inclusive hiring event to help local business owners learn how to hire traditionally underserved and under-utilized communities such as veterans, seniors, those who were previously incarcerated or those with developmental or intellectual disabilities. Ms. Bobe noted the annual Enterprise Zone Workshop will be held in January or February, so businesses located within the Enterprise Zone footprint can understand what grants were available by rights, and what they can apply for this coming year. The remainder of the year they will continue to have procurement fairs where they will help teach the business community how they can become SWaM certified, what financial resources were available and will connect with the larger business community to see what contracts were available that the small businesses can bid on. They also offer financial literacy workshops, and all these were free of charge. Anyone interested in additional information or would like to sign up for workshops can go to www.discoverdanville.com.

City Attorney Clarke Whitfield wished everyone a Happy New Year.

Council Member Campbell came to the podium to address Council on issues that were of concern to him. Rev Campbell commended Ms. Bobe and her team for the work they do and thanked the

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City Manager for his efficiency. Rev Campbell discussed the 1992 gun buyback program, and how this program could save lives from kids playing with guns. Rev Campbell stated he was asking Council for a sign to be developed, of a picture of a gun, with a line drawn across and words underneath such as "Don't Waste Your Life".

Council Member Campbell noted he would like to make a **Motion** that Council will look at this and come up with something along with the gang prevention program, that they could place signs around the City, dealing with the consciousness in a subliminal way to make people aware to not pick up the gun. He was willing to take the remainder of his campaign funds to put this in action. Mayor Jones asked for a second on the Motion that had been placed on the floor.

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

Rev Campbell noted he has not spoken out publicly regarding the Culture Restaurant incident; it was disturbing to him what happened in reference to the shooting. Council Member Vogler thanked him for speaking on this issue, being vigilant about pursuing it, and asked if what they were voting on tonight would be handed to the City Manager and then brought back to Council. Rev Campbell noted regarding kids possibly picking up a gun and playing with it, they needed something visual to deal with the subconscious. Council Member Saunders noted Rev Campbell had stated they collected fifty guns in 1992, does he anticipate collecting that many on this particular round, and Rev Campbell noted before, it was only one day, he would like to see something in place permanently where a person could go to the police department any time and there would be no repercussions. Dr. Miller questioned if they could look at putting at the bottom of the sign something like, "call this number to turn in a gun."

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

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

Rev Campbell noted he contacted the City Manager and told him he was going to speak about prosperity being shared in the community. He was asking that the City develop a disparity study; a disparity study examines whether there were differences between the percentage of dollars that minorities, women and veteran owned businesses receive, and prime contracts and subcontracts, during a particular time.

Council Member Campbell put a **Motion** on the floor that a disparity study be done. The Motion was **seconded** by Council Member Hood.

City Manager Ken Larking suggested Council give staff time to study what a disparity study was so that Council knows what they were voting on. He has participated in programs through the Southern Cities Economic Inclusion and others where the topic itself was somewhat controversial. Mr. Vogler noted he would like further discussion in a work session as he did not know what was in the study, what it would cost and was a little hesitant to vote on something without all the information.

Council Member Miller put an **Amended Motion** on the floor to let staff gather the necessary information regarding what the study entails, cost, and what exactly Council would be voting on.

January 7, 2025

The Amended Motion was **seconded** by Council Member Vogler.

Rev Campbell asked Mr. Larking to restate his reasons why he was not interested in doing this. Mr. Larking stated he was not suggesting the City do or not do it, but based on his limited knowledge of participating in meetings where this topic has been brought up, he thought it would be wise for Council Members to have a better idea of what a disparity study entails. He believed it could be quite expensive and it would be worth everyone's while to at least understand it first before voting on it. Rev Campbell noted there was over \$50M in reserves and expectations of \$36M coming in every year from Caesars. The cost factor of the study didn't stand with him.

Council Member Saunders noted he appreciated Rev Campbell's passion; it was important that Council does this together. Council Member Saunders called for the question.

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

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

Council Member Campbell stated there was a need for a Minority Diversity Department in city hall. In talking with the City Manager, he understood a grant was received for the City, that there will be a facility in City Hall to deal with business education programs, demographics, market development, grants and small business start-ups. Mr. Larking explained the postcard that was shared by Ms. Bobe was a snapshot of some of the things happening in City Hall. Recently, the city was awarded grant funds to be part of the International City County Manager's Associations' Economic Mobility and Opportunity Program. As part of that program, the Assistant Director of Economic Development and he have participated in meetings with cohort members from across the country to discuss ways to improve the economic outlook for historically disadvantaged members of their communities. The City wrote a strategic plan for Economic Mobility and Opportunity that was shared with Council, which will be used as a work plan for the newly created Economic Mobility and Opportunity Manager position. The person with that responsibility will report to the City Manager's office and coordinate governmental and non-governmental efforts to reduce poverty and increase economic opportunity.

The City was also part of the National League of Cities Southern Cities Economic Inclusion Program. Since being a part of that program, in April of 2024, the Purchasing Division has a Vendor Relations Coordinator position and they have led and participated in a dozen outreach events and sessions to increase the number of SWaM and minority, women business enterprise vendors for the City. Being a part of that program, one of the recommendations was that the City needed to do a better job keeping that data so they can track progress and try to do better. The City was keeping that data now and could provide information going forward.

Council Member Hood noted his confidence in the nine members of Council working together and moving forward. Mr. Hood spoke about working with minority contractors and this showed people Council was serious about this, and working on it. Council has always been able to come together to work on finding solutions. Mr. Hood talked about violent crime, his experience having his home shot at 100 times several years ago, and the recklessness of gun crime.

Council Member Mayo spoke about sustainability, opportunities, and entrepreneurship in the City of Danville. Danville was growing and he had all the confidence in the world that they can find

January 7, 2025

solutions to get things done. Mr. Mayo commented on the holiday basketball tournament and the success of another great year.

Council Member Miller noted the water plant in Richmond flooded and asked about Danville's plan if something similar happened. Mr. Larking stated the City has a three-day supply of water at any given time if the water plant had to be shut down. Dr. Miller spoke about the ribbon cutting at Tractor Supply on White Oak Mountain and the need for having a store like that near so many farms in Pittsylvania County. Dr. Miller noted respiratory illnesses were affecting hospitals with overcrowding and encouraged citizens to get their vaccinations.

Council Member Saunders thanked Rev Campbell for voicing his concerns. Looking at reasons for certain behaviors and students in the school system on free lunches, how it relates to poverty and how poverty and crime are related. Mr. Saunders asked about Danville having a shortage of public defenders, and Mr. Whitfield stated he was unaware of that issue but would not be surprised if that was the case. Mr. Saunders congratulated the Pittsylvania County Board of Supervisors and new Chair.

Council Member Vogler thanked everyone for their participation in the holiday light show; the Kiwanis Club received the most votes this year. The money raised at this event helped all the organizations within the community. Mr. Vogler wished everyone a Happy New Year.

Mayor Jones commented on Council Member Campbell's engagement. Tonight was very impactful and thanked everyone for what they do for the City.

The meeting was adjourned at 8:43 pm.

APPROVED:

MAYOR

ATTEST:

CITY CLERK

Council Letter
City of Danville, Virginia



CL - 1868

APPOINTMENTS A.

City Council REGULAR MEETING

Meeting Date: February 4, 2025

Subject: Appointments to Boards and Commissions

From: Susan DeMasi, City Clerk

COUNCIL ACTION

Consideration of the following Appointment Resolutions:

1. A Resolution Reappointing Bryant Hood to the Dan River Business Development Board.
2. A Resolution Reappointing Bryant Hood to the Danville Development Council.
3. A Resolution Reappointing Sherman M. Saunders to the Employee Retirement System Board.
4. A Resolution Reappointing J. Lee Vogler to the Metropolitan Planning Organization.
5. A Resolution Reappointing J. Lee Vogler, Jr., to the West Piedmont Planning District Commission.
6. A Resolution Reappointing Barry Mayo to the Pittsylvania County Community Action Board.

Attachments

1. Resolutions
-

PRESENTED: _____

ADOPTED: _____

RESOLUTION NO. 2025 – ____.

**A RESOLUTION REAPPOINTING BRYANT HOOD AS A MEMBER OF THE
DAN RIVER BUSINESS DEVELOPMENT CENTER.**

BE IT RESOLVED by the Council of the City of Danville, Virginia, that Bryant Hood be, and he is hereby reappointed as a member of the Dan River Business Development Center for a term beginning January 1, 2025 and ending December 31, 2026.

APPROVED:

MAYOR

ATTEST:

CITY CLERK

PRESENTED: _____

ADOPTED: _____

RESOLUTION NO. 2025 – ____.

**A RESOLUTION REAPPOINTING BRYANT HOOD AS A MEMBER OF THE
DANVILLE DEVELOPMENT COUNCIL.**

BE IT RESOLVED by the Council of the City of Danville, Virginia, that Bryant Hood be, and he is hereby reappointed as a member of the Danville Development Council for a term beginning January 1, 2025 and ending December 31, 2026.

APPROVED:

MAYOR

ATTEST:

CITY CLERK

PRESENTED: _____

ADOPTED: _____

RESOLUTION NO. 2025 – ____.

**A RESOLUTION REAPPOINTING SHERMAN M. SAUNDERS AS A MEMBER
OF THE EMPLOYEE RETIREMENT SYSTEM.**

BE IT RESOLVED by the Council of the City of Danville, Virginia, that Sherman M. Saunders be, and he is hereby reappointed as a member of the Employee Retirement System for a term beginning January 1, 2025 and ending December 31, 2026.

APPROVED:

MAYOR

ATTEST:

CITY CLERK

PRESENTED: _____

ADOPTED: _____

RESOLUTION NO. 2025 – ____.

**A RESOLUTION REAPPOINTING J. LEE VOGLER, JR., AS A MEMBER OF
THE WEST PIEDMONT PLANNING DISTRICT COMMISSION.**

BE IT RESOLVED by the Council of the City of Danville, Virginia, that J. Lee Vogler, Jr., be, and he is hereby reappointed as a member of the West Piedmont Planning District Commission for a term commencing January 1, 2025 and ending December 31, 2028.

APPROVED:

MAYOR

ATTEST:

CITY CLERK

PRESENTED: _____

ADOPTED: _____

RESOLUTION NO. 2025 – ____.

**A RESOLUTION REAPPOINTING J. LEE VOGLER, JR., AS A MEMBER OF
THE METROPOLITAN PLANNING ORGANIZATION.**

BE IT RESOLVED by the Council of the City of Danville, Virginia, that J. Lee Vogler, Jr. be, and he is hereby reappointed as a member of the Metropolitan Planning Organization for a term commencing January 1, 2025 and ending December 31, 2028.

APPROVED:

MAYOR

ATTEST:

CITY CLERK

PRESENTED: _____

ADOPTED: _____

RESOLUTION NO. 2025 – ____.

**A RESOLUTION REAPPOINTING BARRY MAYO AS A MEMBER OF THE
PITTSYLVANIA COUNTY COMMUNITY ACTION BOARD.**

BE IT RESOLVED by the Council of the City of Danville, Virginia, that Barry Mayo be, and he is hereby reappointed as a member of the Pittsylvania County Community Action Board for a term commencing January 1, 2025 and ending December 31, 2026.

APPROVED:

MAYOR

ATTEST:

CITY CLERK

Council Letter City of Danville, Virginia



CL - 1839

NEW BUSINESS A.

City Council REGULAR MEETING

Meeting Date: February 4, 2025

Subject: Special Use Permit Application at Parcels 00499 and 00500 (Aspen Street).

From: Renee Burton, Division Director of Planning

COUNCIL ACTION

1. Public Hearing
2. An Ordinance Granting Special Use Permit Application PZ24- 00611, filed by MACD Lending, LLC, Requesting a Special Use Permit to Allow an Attached Residential Dwelling at Parcels 00499 and 00500 (Aspen Street) in Accordance with Article 3.E., Section C, Item 1.

SUMMARY

The applicant, MACD Lending, LLC, purchased Parcels 00499 and 00500 in July 2024. Parcels 00499 and 00500 are vacant, zoned OT-R, Old Town Residential and located at the corner of Aspen Street and Miller Street. The combined acreage of the parcels is 0.34 acres. The applicant is proposing to consolidate the two (2) lots and construct a triplex comprised of three (3) two-bedroom, two-bath units with adjacent parking.

Attached dwelling units may be allowed within the OT-R zoning district with the approval of a Special Use Permit. Attached residential buildings are defined by Zoning Code as *[a] row of two (2) or more dwelling units, separated from one another by continuous vertical wall(s) without opening from basement floor to roof...*

The applicant has provided a floor plan and site plan for review. The parking layout will need to be adjusted to remove the spaces adjacent to the street and allow for a travel aisle. Staff believes there is sufficient room for this adjustment and will work with the applicant during the permitting phase to make this adjustment.

The Comprehensive Plan encourages varying housing types within our neighborhoods. Varying housing types encourages affordability and provides style options for people at all stages of life (Policy H.1).

Sixty (60) notices were sent out to property owners within three hundred (300) feet. One (1) notice was received and unopposed.

On January 13, 2025, the City Planning Commission voted 4-0 to recommend approval of Special Use Permit PZ24-00611 to allow an attached residential dwelling in accordance with Article 3.E. Section C Item 1 at Parcels 00499 and 00500 (Aspen Street) with the following conditions:

1. Parcels 00499 and 00500 must be consolidated, and

2. No more than one Attached Residential Building may be constructed on the consolidated parcel.

RECOMMENDATION

It is recommended that City Council adopt an Ordinance to grant a Special Use Permit to an attached residential dwelling in accordance with Article 3.E Section C Item 1 at Parcels 00499 and 00500 (Aspen Street) with the following conditions:

1. Parcels 00499 and 00500 must be consolidated, and
 2. No more than one Attached Residential Building may be constructed on the consolidated parcel.
-

Attachments

1. Ordinance
 2. Special Use Application
 3. Parcels 00499 and 00500 Aerial Maps
 4. Parcels 00499 and 00500 Owners Zoning Map
 5. Parcel 00499 and 00500 Land Use Map
 6. Planning Commission Recommendation
-

PRESENTED: _____

ADOPTED: _____

ORDINANCE NO. 2025____.____

AN ORDINANCE GRANTING SPECIAL USE PERMIT APPLICATION PZ24-00611, FILED BY MACD LENDING, LLC, REQUESTING A SPECIAL USE PERMIT TO ALLOW AN ATTACHED RESIDENTIAL DWELLING AT PARCELS 00499 AND 00500 (ASPEN STREET) IN ACCORDANCE WITH ARTICLE 3.E., SECTION C, ITEM 1.

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 PZ24-00611, filed by MACD Lending LLC, requesting a Special Use Permit to allow an attached residential dwelling at Parcel IDs 00499 and 00500 (Aspen Street) in accordance with Article 3.E., Section C, Item 1, be, and the same is hereby, received; with the following conditions:

1. Parcels 00499 and Parcels 00500 must be consolidated
2. No more than one attached residential building may be constructed on the consolidated parcel

AND BE IT FURTHER ORDAINED that in consideration of said report and the public hearing this day held by Council, Special Use Permit Application PZ24-00611, filed by MACD Lending LLC, requesting a Special Use Permit to allow an attached residential dwelling at Parcel IDs 00499 and 00500 (Aspen Street) in accordance with Article 3.E., Section C, Item 1, is hereby granted and approved, with the following conditions:

1. Parcels 00499 and Parcels 00500 must be consolidated
2. No more than one attached residential building may be constructed on the consolidated parcel

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.*

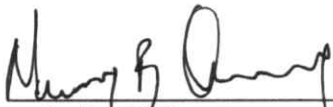
PLANNING DIVISION PROVIDED INFORMATION

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

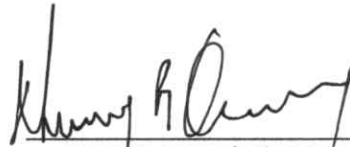
APPLICANT PROVIDED INFORMATION

Property Location:	Aspen St / Miller St Parcel - ID# 00499/00500
Applicant:	MACD Lending LLC.
Applicant's Address:	2810 Eric Ln, Burlington NC 27215
Applicant's Phone Number:	(336) 264-9017
Applicant's Email:	mario.q.c@laboranddrywallsolutions.com

Describe Proposed Request: MACD Lending LLC, would like to propose a merge between
parcell ID # 00499/00500 to acomodate the construction of a multi family unit 3 plex,
each unit will consist of 2 bedrooms and 2 bathrooms, this will allow the developer
to maximize the usage of the land/lot in the area to help bring new modern construction to the zone.


Applicant's Signature

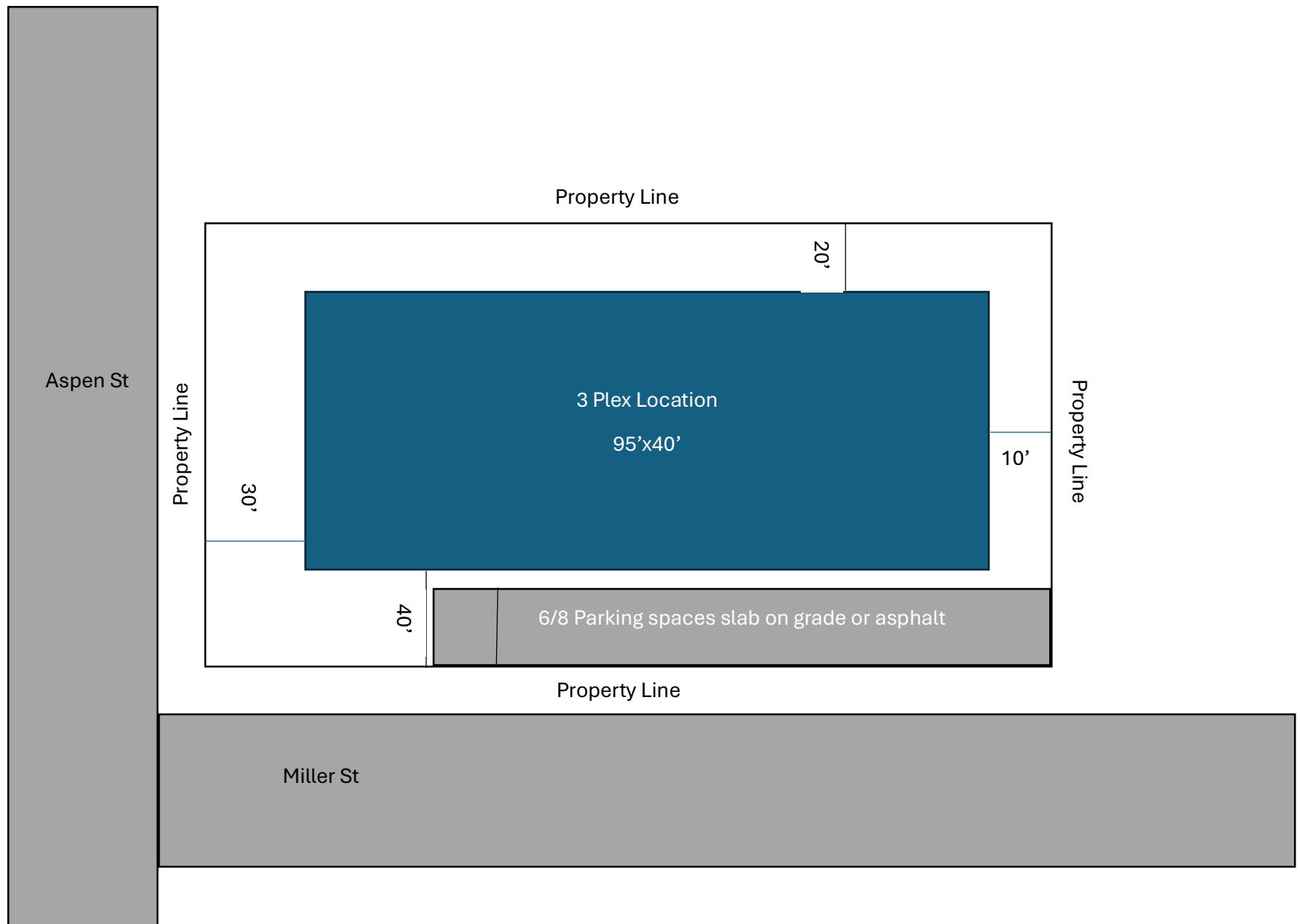
11/21/2024
Date


Property Owner's Signature
(if not applicant)

11/21/2024
Date

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.



93'-0"

PATIO
10-0 X 10-4
(NOT INCLUDED IN
FOOTAGES OR
PLAN DEPTH)

PATIO
10-0 X 10-4
(NOT INCLUDED IN
FOOTAGES OR
PLAN DEPTH)

PATIO
10-0 X 10-4
(NOT INCLUDED IN
FOOTAGES OR
PLAN DEPTH)

BEDROOM 2
11-0 X 11-0
9 CLG.

M. BEDROOM
11-6 X 12-0
9 CLG.

BEDROOM 2
11-0 X 11-0
9 CLG.

M. BEDROOM
11-6 X 12-0
9 CLG.

BEDROOM 2
11-0 X 11-0
9 CLG.

M. BEDROOM
11-6 X 12-0
9 CLG.

CLOSET
6-6 X 2-6

BATH 2
11-0 X 5-0

LAUNDRY
7-0 X 8-0
9 CLG.

ATTIC
ACCESS

M. BATH
5-6 X 7-0

M. CLOS.
5-4 X 7-0

CLOSET
6-6 X 2-6

BATH 2
11-0 X 5-0

LAUNDRY
7-0 X 8-0
9 CLG.

ATTIC
ACCESS

M. BATH
5-6 X 7-0

M. CLOS.
5-4 X 7-0

CLOSET
6-6 X 2-6

BATH 2
11-0 X 5-0

LAUNDRY
7-0 X 8-0
9 CLG.

ATTIC
ACCESS

M. BATH
5-6 X 7-0

M. CLOS.
5-4 X 7-0

LIVING ROOM
15-6 X 11-10
9 CLG.

**KITCHEN /
DINING**
14-10 X 11-10
9 CLG.

ISLAND
3-0 X 3-6

LIVING ROOM
15-6 X 11-10
9 CLG.

**KITCHEN /
DINING**
14-10 X 11-10
9 CLG.

ISLAND
3-0 X 3-6

LIVING ROOM
15-6 X 11-10
9 CLG.

**KITCHEN /
DINING**
14-10 X 11-10
9 CLG.

ISLAND
3-0 X 3-6

FRONT PORCH
12-0 X 8-0
±9'-4" CLG.

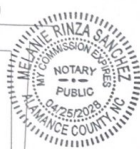
FRONT PORCH
12-0 X 8-0
±9'-4" CLG.

FRONT PORCH
12-0 X 8-0
±9'-4" CLG.

I, Melanie Rinza Sanchez, a Notary Public in and for Alamance County, in the State of NC, do hereby certify that the owners whose names are signed hereon, have acknowledged the same before me this 21st day of November, 2024. My commission expires 04/25/2028.

Melanie Rinza Sanchez
Notary Public

Approval Authority
Zoning Administrator
City Engineer



Aspen St.

N7°47'25"W

100.00'

Line Hereby Abandoned

Parcel ID#00499
0.1722 Acres.

S81°49'05"W
150.00'

Miller St.

50'

40'

Parcel ID 00617
Alpine Properties LLC
INST#130002713

Source of Title
Parcel ID 00500
MACD Lending LLC
INST#2400002405
Parcel ID 00499
MACD Lending LLC
INST#2400002405

S7°48'11"E
48.08' Tie Line

IPF@9.01'

Parcel ID#00500
0.1722 Acres.
0.1722 Acres.
+0.1722 Acres.
0.3444 Acres.

Parcel ID 00341
John A. Calloway
Melba S. Calloway
DB 646 PG 2

Parcel ID 02904
Newman Properties
& Development LLC
INST#240002649

1. This survey has been prepared without the benefit of a title report and does not necessarily indicate all encumbrances on the title.
2. This plat has been prepared from an actual field survey as per date of this plat.
3. This property as platted does not fall within the 100 year Flood Zone "A" as determined by FEMA
4. Bearings based on VA State Plane South Zone (NAD83)
5. This plat is for boundary purposes only, therefore all physical improvements and/or possible encroachments are not shown.

The consolidation of land described herein is with the desires of the undersigned owners, proprietors, and trustees. The owners certify that they are the fee simple owners of said lot and are legally entitled to subdivide the same.

Michael E. McCorkle

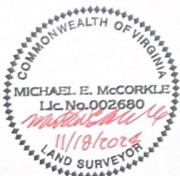
City of Danville Surveyors Certificate (Subdivisions)
I hereby certify that to the best of my knowledge and belief, all of the requirements of the planning commission and city council, and ordinances of the City of Danville, VA, regarding the platting of subdivisions, divisions within the city have been complied with given under my hand this 3rd day of June, 2024

Michael E. McCorkle LS 2680

McCorkle Surveying, LLC
594 Windsong Dr.
Lynch Station, VA 24571
(434)-941-8165

PROJECT NO:		SCALE: 1"=50'
DRAWN BY: M.E. McCorkle		DATE: 10/31/2024
CHECKED BY: M.E. McCorkle		SHT: OF:
APPROVED BY: M.E. McCorkle		

Plat Showing Survey for
Combination of
Parcel #00500 & Parcel #00499
Danville, VA



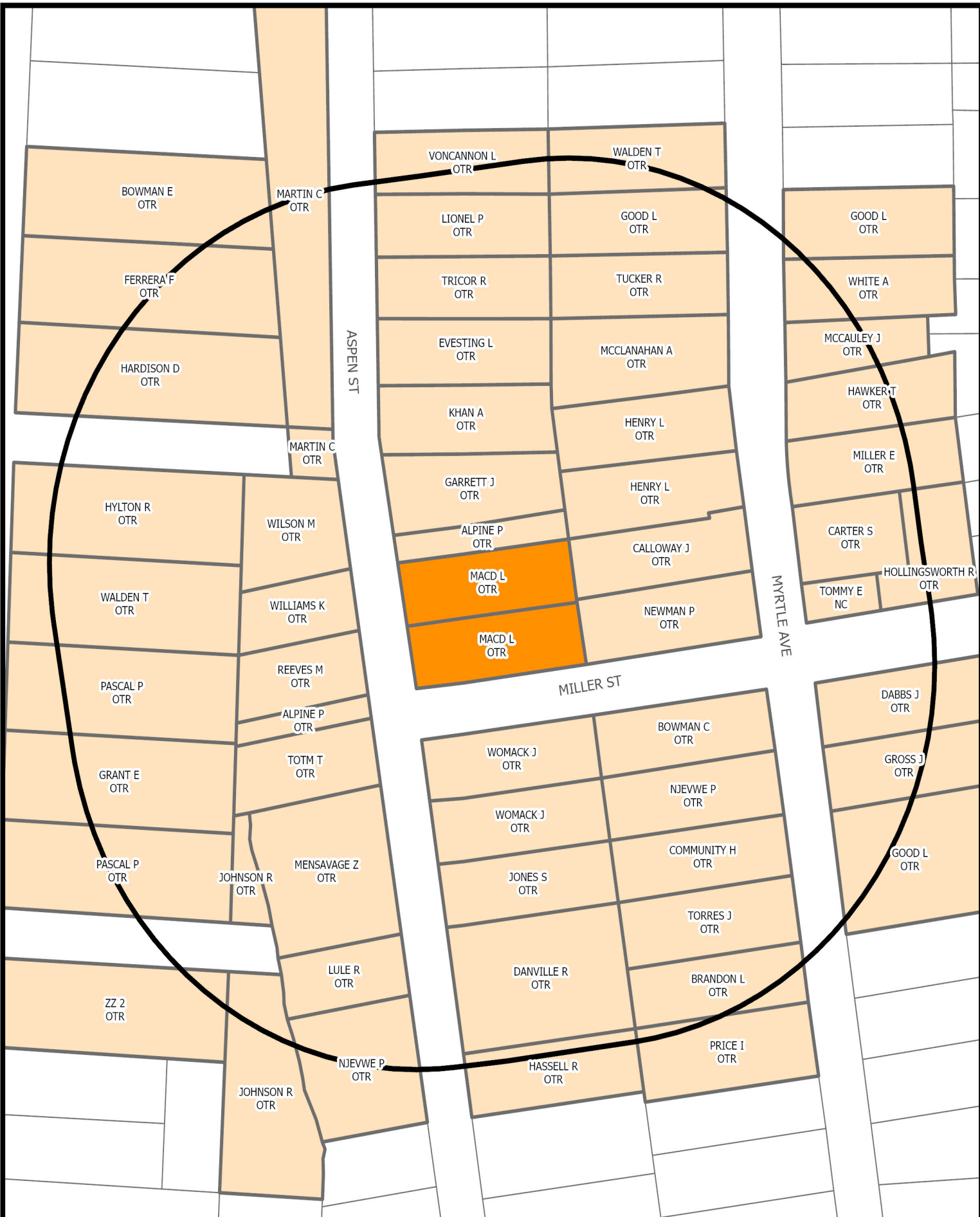


2023 AERIAL IMAGERY OF SUBJECT PROPERTY

Prepared by:
Planning Division
12/6/2024



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



SURROUNDING PROPERTY OWNERS AND ZONING WITHIN 300 FEET OF SUBJECT PROPERTY

Prepared by:
Planning Division
12/6/2024



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



YEAR 2030 LAND USE SURROUNDING SUBJECT PROPERTY

Prepared by:
Planning Division
12/6/2024



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



CITY OF DANVILLE

Community Development Division of Planning and Zoning

MEMORANDUM

DATE: JANUARY 13, 2025
TO: CITY COUNCIL
FROM: CITY PLANNING COMMISSION
RE: SPECIAL USE PERMIT APPLICATION PZ24-00611

Special Use Permit application PZ24-00611 filed by MACD Lending LLC to allow attached residential dwellings in accordance with Article 3.E Section C Item 1 at Parcels 00499 and 00500 (Aspen St).

RECOMMENDATION

The Planning Commission, at their January 13, 2025, meeting voted 4-0 to recommend approval of Special Use Permit application PZ24-00611 with the following conditions:

1. Parcels 00499 and 00500 must be consolidated
2. No more than one Attached Residential Building may be constructed on the consolidated parcel

 RB

Mr. Steve Petrick, Chair

Council Letter City of Danville, Virginia



CL - 1791

NEW BUSINESS B.

City Council REGULAR MEETING

Meeting Date: February 4, 2025

Subject: Commercial Property Assessed Clean Energy (C-Pace) Financing Program.

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

COUNCIL ACTION

1. Public Hearing
2. An Ordinance Repealing and Reordaining in its Entirety Chapter 10.5, Entitled "Commercial Property Assessed Clean Energy (C-PACE) Financing Program", of the Code of the City of Danville, Virginia, 1986, As Amended.

SUMMARY

Chapter 10.5 – Commercial Property Assessed Clean Energy (C-PACE) Financing Program of the City Code was adopted in 2020 to help facilitate more favorable lending to businesses seeking to invest in energy efficiency and weather hazard mitigation improvements to commercial buildings within the City. As originally established, the C-PACE program allows borrowers to obtain more favorable interest rates from lenders, by granting such lenders collateralized security against the funded improvements on par with the security the City government has for real estate taxes. The failure of a borrower to repay a C-PACE loan results in the City using those debt collection tools that it has to collect delinquent taxes, on behalf of the lender to collect the C-PACE loan. This encourages lenders to offer lower interest rates, which in turn encourages more businesses to seek these C-PACE loans.

BACKGROUND

Recently, Virginia has amended the underlying C-PACE Act in the Virginia Code to, among other changes, allow localities like Danville to enter into an agreement with a State-selected firm to administer the program on behalf of the City. Under this new model, the firm, Virginia PACE Authority, will perform all necessary administrative functions on behalf of the City, including any hypothetical debt collection. This eliminates the need to dedicate City staff time to program enforcement and eliminates legal costs associated with the debt collection process. Virginia PACE Authority is compensated for its services through a debt service charge on the lender and borrower, with no funding required from the City. In order to opt-in to this new model, the City Code must be amended.

Proposed new language has been drafted to update Chapter 10.5 by adopting the new model allowing Virginia PACE Authority to administer the program on the City's behalf, updating definitions, reducing unnecessary duplication in the Code, and clearly assigning any remaining program responsibilities amongst City staff. These proposed changes do not decrease or diminish any currently available financing options. They add greater clarity and simplicity to the process, reduce City costs, and ensure that the City has the tools necessary to encourage private investment.

RECOMMENDATION

Staff recommends Council adopt the attached Ordinance updating Chapter 10.5 of Danville City Code for the C-PACE program.

Attachments

1. Ordinance
 2. Code Changes
-

PRESENTED: _____

ADOPTED: _____

ORDINANCE NO. 2025-_____._____

AN ORDINANCE REPEALING AND REORDAINING IN ITS ENTIRETY CHAPTER 10.5, ENTITLED "COMMERCIAL PROPERTY ASSESSED CLEAN ENERGY (C-PACE) FINANCING PROGRAM", OF THE CODE OF THE CITY OF DANVILLE, VIRGINIA, 1986, AS AMENDED.

WHEREAS, the current Chapter 10.5, entitled "Commercial Property Assessed Clean Energy (C-PACE) Financing Program", of the Code of the City of Danville, Virginia, needs to be repealed; and

WHEREAS, the current language of Chapter 10.5, entitled "Commercial Property Assessed Clean Energy (C-PACE) Financing Program", of the Code of the City of Danville, Virginia, needs to be updated, revised, and reordained.

NOW THEREFORE, BE IT ORDAINED by the Council of the City of Danville, Virginia, that Chapter 10.5, entitled "Commercial Property Assessed Clean Energy (C-PACE) Financing Program", of the Code of the City of Danville, Virginia, 1986, as amended, be, and the same is hereby, repealed in its entirety; and

BE IT FINALLY ORDAINED by the Council of the City of Danville, Virginia, that Chapter 10.5, entitled "Commercial Property Assessed Clean Energy (C-PACE) Financing Program", of the Code of the City of Danville, Virginia, 1986, as amended, is hereby, replaced and reordained as attached hereto, and made apart hereof as if fully set out herein.

Approved:

Mayor

Attest:

City Clerk

Approved as to
Form and Legal Sufficiency:

City Attorney

Chapter 10.5 COMMERCIAL PROPERTY ASSESSED CLEAN ENERGY (C-PACE) FINANCING PROGRAM

ARTICLE I. IN GENERAL

~~Sec. 10.5-1. Purpose and creation of C-PACE Financing Program.~~

- (a) ~~Pursuant to the C-PACE Act, any Virginia locality may enact an ordinance authorizing a C-PACE program to provide C-PACE loans for the initial acquisition and installation of eligible clean energy, resiliency, and/or stormwater management improvements with willing owners of qualifying properties, which may include renovations to existing improvements or new construction. Each C-PACE loan shall be secured by a voluntary special assessment lien on the property that is the subject of the C-PACE loan. C-PACE loans shall be repaid in installment payments, which shall be due and payable in accordance with the C-PACE program guidelines and financing documents.~~
- (b) ~~After due consideration, the City Council hereby determines that the promotion and development of a C-PACE program will enhance the renovation of existing buildings and foster the construction of new buildings with energy or water efficient features, resulting in economic growth in the City and the region. The adoption of an ordinance creating a city C-PACE program is in the public interest and fulfills multiple public purposes.~~
- (c) ~~Therefore, the purpose of this chapter is to create the "Danville Commercial Property Assessed Clean Energy (C-PACE) Financing Program," in accordance with the C-PACE Act, which shall operate in accordance with the provisions of this chapter and the C-PACE Act.~~

~~Sec. 10.5-2. Definitions.~~

~~*Amortization schedule* means an amortization schedule of C-PACE payments necessary to repay the C-PACE loan, which is attached to the C-PACE certificate. *Borrower* means:~~

- (1) ~~A person as defined in section 1-230 of State Code (including a non-profit entity) that is an owner of a Property, which voluntarily obtains a C-PACE loan under the program, resulting in a C-PACE assessment being levied on the tax records of a property and a C-PACE lien being recorded on a property, or~~
- (2) ~~A successor in title to borrower.~~

~~*Borrower certification* means a notarized certificate from borrower, certifying that:~~

- (1) ~~Borrower is:~~
- a. ~~Current on all loan payments secured by a lien on the property,~~
- b. ~~Current on real estate tax and personal property tax payments,~~
- c. ~~Current on all federal, state and local taxes and that there is no federal income tax lien, judgment lien, or other involuntary lien against the property, and~~
- d. ~~Not insolvent or in bankruptcy or foreclosure proceedings, and~~
- (2) ~~The title of the property is not in dispute, as evidenced by a title report or title insurance commitment from a title insurance company acceptable to program administrator and/or capital provider.~~

~~*C-PACE* means Commercial Property Assessed Clean Energy.~~

~~*C-PACE Act* means Virginia's clean energy financing law, codified at section 15.2-958.3 of State Code.~~

C-PACE agreement means the C-PACE assessment and financing agreement executed by borrower, capital provider, and the City, which establishes the terms, conditions, responsibilities and obligations of each party in connection with the C-PACE loan, a form of which C-PACE agreement is attached to this ordinance.

C-PACE amendment means an amendment to levy and lien of C-PACE assessment, executed by capital provider without consent from borrower, as permitted in the C-PACE documents, which C-PACE amendment shall be recorded in the Clerk's Office to evidence each amendment to the C-PACE loan and C-PACE lien, a form of which C-PACE amendment is attached to the C-PACE agreement.

C-PACE assessment means a voluntary, special assessment in the C-PACE loan amount, levied against a property at a borrower's request, to cover the debt service and recurring fees of a C-PACE loan.

C-PACE assignment means an assignment of levy and lien of a C-PACE assessment executed by capital provider from time to time, which shall be recorded in the Clerk's Office to evidence capital provider's assignment of the C-PACE loan and C-PACE lien, a form of which C-PACE assignment is attached to the C-PACE agreement.

C-PACE certificate means a certificate of levy and lien of C-PACE assessment, which shall:

- (1) Be executed by borrower, capital provider, and the City;
- (2) Include an amortization schedule;
- (3) Include a borrower certification, and
- (4) Be recorded in the Clerk's Office to evidence the C-PACE loan and C-PACE lien, a form of which C-PACE certificate is attached to the C-PACE agreement.

C-PACE documents means the C-PACE agreement, C-PACE note, C-PACE certificate, C-PACE assignment (if any), C-PACE amendment (if any), and such other documents as determined by capital provider.

C-PACE expenses means construction, development and consulting costs directly related to a C-PACE loan, including without limitation, the cost of labor, materials, machinery, equipment, plans, specifications, due diligence studies, consulting services (e.g., engineering, energy, financial and/or legal expenses), program fees, C-PACE loan fees, capitalized interest, interest reserves and/or C-PACE transaction, underwriting, and closing costs.

C-PACE lien means the voluntary, irrevocable, special assessment lien levied against the property pursuant to the C-PACE act and at borrower's request, as security for the C-PACE loan, which:

- (1) Is *pari passu* (i.e., of equal priority) with the City real estate tax lien;
- (2) As to the current C-PACE payment that is due and any delinquent C-PACE payments, is senior to:
 - a. All other special assessment liens, and
 - b. All previously recorded senior liens, provided a lender consent is recorded for each such senior lien;
- (3) Shall run with title to the property and shall not be extinguished by a foreclosure; and
- (4) Is evidenced by the C-PACE certificate, as may be amended and assigned from time to time in accordance with the this chapter and the C-PACE documents.

C-PACE loan means a loan made under the program by a capital provider to a borrower to finance eligible improvements to a property in accordance with the C-PACE act, this article, the C-PACE documents, and the program guidelines.

C-PACE loan amount means the aggregate amount of a C-PACE loan, inclusive of principal, interest, and any financed fees, costs, and/or expenses (including C-PACE expenses), as provided in the C-PACE documents.

C-PACE note means a promissory note executed by borrower made payable to capital provider in the original principal amount of the C-PACE loan, including without limitation, any and all modifications, restructurings, extensions, consolidations, amendments and/or assignments thereof, a form of which C-PACE note is attached to the C-PACE agreement.

~~C-PACE payments~~ means the periodic, installment payments of the C-PACE loan, due and payable by borrower to capital provider to repay the C-PACE loan in such amounts and at such times as described in the C-PACE Agreement, the C-PACE certificate, the amortization schedule, and the C-PACE amendments (if any).

~~Capital provider~~ means:

- ~~(1) A third party capital provider that has been approved by program administrator in accordance with the program guidelines to originate a C-PACE loan, or~~
- ~~(2) The current holder of a C-PACE loan.~~

~~City~~ means the City of Danville, Virginia, which includes the director of financial services, assessor or other city officials that levy, assess, collect and/or enforce taxes (including real estate taxes) for the City.

~~City Code~~ means the Code of the City of Danville, Virginia, 1986, as amended to date and as it may be hereafter amended.

~~Clerk's Office~~ means the Clerk's Office of the Circuit Court of the City of Danville, Virginia.

~~Delinquent C-PACE payment~~ means any C-PACE payment that was not paid by borrower when due, which shall include without limitation, all accrued interest, late fees, and penalties incurred pursuant to the C-PACE documents.

~~Eligible improvement~~ means any improvement, renovation, addition, construction, installation, modification of or to, a property or a building located on a property, if designed to:

- ~~(1) Facilitate renewable energy production and distribution,~~
- ~~(2) Reduce energy consumption,~~
- ~~(3) Reduce water consumption, and/or~~
- ~~(4) Facilitate resiliency and/or stormwater management, which eligible improvements include, without limitation, the types of eligible improvements listed in section 32.3-3 below.~~

~~Lender consent~~ means an executed consent and subordination agreement from each senior lender having a senior lien on the property, which shall be recorded in the Clerk's Office in connection with the C-PACE loan closing.

~~PACE~~ means Property Assessed Clean Energy.

~~Program~~ means the city C-PACE financing program established to provide C-PACE loans to borrowers in accordance with the C-PACE Act, this chapter, the C-PACE documents, and the program guidelines.

~~Program administrator~~ means:

- ~~(1) An independent third party (authorized by written contract with the City), or~~
- ~~(2) A designated city official, which, in either (1) or (2) above, possesses the authority to administer the program as provided by the State Code, the C-PACE Act, this chapter, and the program guidelines.~~

~~Program fees~~ means the all fees authorized by the act and charged to borrowers to cover the costs to design and administer the program, including compensation of program administrator, attorney's fees, and recovery of expenses incurred by the City.

~~Program guidelines~~ means a comprehensive document that establishes the procedures, eligibility rules, responsibilities, disclosures, program fees, restrictions, underwriting criteria, and other requirements promulgated, imposed and enforced by program administrator or program manager for the governance of the program, as amended from time to time.

~~Program manager~~ means the City Manager or such person designated in writing by the City Manager to supervise the program and act as liaison with program administrator.

~~Project~~ means the construction or installation of eligible improvements on property.

Property means commercial, assessable real estate located in the City, with all buildings located or to be located thereon, whether vacant or occupied, improved or unimproved, and regardless of whether such real estate is currently subject to taxation by the City, excluding:

- (1) A residential dwelling with fewer than five (5) dwelling units, and
- (2) A condominium project as defined in section 55.1-200 of the State Code.

Real estate tax means the local tax on real estate which the City levies pursuant to title 58.1, chapter 32 of the State Code, and chapter 36 of the City Code.

State Code means the Code of Virginia (1950), as amended, to date and as it may hereafter be amended.

Virginia means the commonwealth of Virginia.

ARTICLE II. PROGRAM STRUCTURE

~~Sec. 10.5-3. Eligible improvements under the C-PACE program.~~

- (a) ~~The program shall be available throughout the City, provided that the borrower, the property and the eligible improvements all qualify for the program. The following types of eligible improvements may be financed with a C-PACE loan:~~
 - (1) ~~Renewable energy production and distribution facilities (e.g., solar photovoltaic, solar thermal, wind, wave and/or tidal energy and the storage and/or distribution of the energy produced thereby);~~
 - (2) ~~Energy usage efficiency systems (e.g., high efficiency lighting and building systems, heating, ventilation and air conditioning (HVAC) upgrades, air duct sealing, high efficiency hot water heating systems, building shell or envelope improvements, reflective roof, cool roof or green roof systems and/or weather-stripping);~~
 - (3) ~~Water usage efficiency improvements (e.g., recovery, purification, recycling and other forms of water conservation);~~
 - (4) ~~Construction, renovation or retrofitting of a property directly related to the accomplishment of any purpose listed in subsections (1), (2) or (3), above, whether such eligible improvement was erected or installed in or on a building or on the ground, it being the express intention of the City to allow eligible improvements that constitute, or are part of, the construction of a new structure or building to be financed with a C-PACE loan; or,~~
 - (5) ~~Any other category of improvement approved by program manager or program administrator as qualifying for financing under the C-PACE Act and the program.~~
- (b) ~~The proceeds of a C-PACE loan may be used to pay C-PACE expenses.~~

~~Sec. 10.5-4. C-PACE loan requirements.~~

- (a) ~~C-PACE loans shall be originated by capital providers. The City and/or its respective governmental entities shall have no obligation to originate or guaranty any C-PACE loans. Except for oversight duties set forth in this chapter, the role of the City shall be limited to:~~
 - (1) ~~Levying and assessing the C-PACE assessments and C-PACE liens, and~~
 - (2) ~~Enforcing the timely repayment of the C-PACE loans in the same manner as delinquent real estate taxes are enforced, in accordance with the C-PACE documents, any applicable city ordinances, and title 58.1, chapters 32 and 39 of the State Code, which enforcement action may include (without limitation) conducting a tax foreclosure sale of the property by public auction.~~

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- ~~(b) The minimum C-PACE loan amount that may be financed for each project is thirty thousand dollars (\$30,000.00), and the maximum C-PACE loan amount that may be financed for each project is twenty million dollars (\$20,000,000.00). There shall be no limit on the total value of all C-PACE loans to be financed under the program.~~
 - ~~(c) The interest rate of a C-PACE loan shall be determined by mutual agreement between borrower and capital provider as provided in the C-PACE documents.~~
 - ~~(d) The term of a C-PACE loan shall not exceed thirty (30) years.~~
 - ~~(e) The C-PACE loan amount shall be fully amortized over the term of the C-PACE loan in accordance with the amortization schedule as agreed by borrower and capital provider.~~
 - ~~(f) Program administrator will develop a program application process for the review and approval of proposed projects. Program applications will be processed on a first come, first serve basis, and all applicants must meet the program eligibility requirements in the C-PACE Act, this chapter and the program guidelines.~~
 - ~~(g) All costs related to the financing, administration, collection, and/or enforcement of the C-PACE loan and C-PACE lien shall be borne by borrower.~~
 - ~~(h) Each C-PACE agreement shall be substantially in the form attached as appendix A-1. The C-PACE agreement may be modified as necessary to further the program's purpose and to encourage program participation, provided that:
 - ~~(1) All modifications are approved by program manager and City Attorney, and~~
 - ~~(2) The modifications do not conflict with the C-PACE Act, this chapter, the C-PACE documents and/or the program guidelines.~~~~

~~Sec. 10.5-5. C-PACE assessment, C-PACE loan; program fees; and C-PACE lien.~~

- ~~(a) Each C-PACE loan shall be secured by a C-PACE lien, and the C-PACE lien shall be evidenced by the recordation of a C-PACE certificate in the Clerk's Office. Program manager, on behalf of the City, is hereby authorized to execute the C-PACE certificate prior to recordation. Upon complete execution of the C-PACE documents and funding of the C-PACE loan, capital provider shall record the C-PACE certificate in the Clerk's Office.~~
- ~~(b) The program will be self-financed through program fees charged to participating property owners that are designed to cover the costs to design and administer the program, including the compensation of administrator. Lender shall collect the program fees from property owner at loan closing, and shall remit any such program fees so collected to administrator within ten (10) days of the date of such closing, without requiring demand or notice from administrator.~~
- ~~(c) The C-PACE lien shall have equal priority with the City real estate tax lien, and the C-PACE lien shall have priority over any previously recorded lien only if, in connection with the C-PACE loan closing,
 - ~~(1) A lender consent is recorded in the Clerk's Office, and~~
 - ~~(2) Borrower has executed the C-PACE certificate (containing a borrower certification).~~~~
- ~~(d) In connection with the C-PACE loan closing, capital provider shall deliver a copy of the recorded C-PACE certificate to the City, evidencing the levy of the C-PACE assessment on the property benefitting from the eligible improvements. The C-PACE loan will be repaid by borrower through C-PACE payments over a period of years, in such amounts and at such times as set forth in the amortization schedule and the C-PACE documents. Capital provider shall be responsible for servicing the C-PACE loan (including billing and collection of C-PACE payments), subject to and in accordance with the provisions of the C-PACE documents.~~
- ~~(e) The C-PACE lien shall run with the land. The portion of the C-PACE loan that has not yet become due shall not be eliminated by foreclosure of a real estate tax lien. Delinquent C-PACE payments shall be subject to all fees~~

and collection methods permitted under the laws of Virginia for the collection of delinquent real estate taxes.

- (f) Only the current C-PACE payment and any delinquent C-PACE payments shall constitute a first lien on the property (having equal priority with the City real estate taxes). Delinquent C-PACE payments shall:
 - (1) Accrue penalties and interest (including default interest) in accordance with the C-PACE agreement, and
 - (2) Be enforced in accordance with the C-PACE documents, any applicable city ordinances, including chapter 37 of City Code, and title 58.1, chapters 32 and 39 of State Code, which enforcement action may include conducting a tax foreclosure sale of the property by public auction.
- (g) C-PACE payments and delinquent C-PACE payments shall be levied and enforced by the City in the same manner as delinquent real estate taxes are levied and enforced. The City shall be entitled to:
 - (1) Recover its costs and expenses, including reasonable attorneys' fees and costs, in the same manner as in a suit to collect delinquent real estate taxes,
 - (2) Charge interest and penalties for delinquent C-PACE payments in the same manner as delinquent real estate taxes, and
 - (3) Utilize any administrative remedies provided by Virginia law.

All collection and enforcement costs, expenses, interest and penalties incurred by capital provider and the City shall (a) be added to the delinquent C-PACE payments being collected, (b) become part of the aggregate amount sued for and collected, (c) be added to the C-PACE loan amount, and (d) be secured by the C-PACE lien. The costs and expenses recovered by the City shall be in addition to any costs, expenses, interest, or other amounts due and owing to capital provider. Pursuant to section 58.1-3965.1 of the State Code, for purposes of enforcing a C-PACE lien, a property that has a delinquent C-PACE payment shall be enforceable after June 30th following the first anniversary of either the real estate tax or the C-PACE payment having become due.

- (h) The owner of a property subject to a C-PACE lien shall assume the obligation to repay all remaining, unpaid C-PACE payments due on the C-PACE loan (in accordance with the amortization schedule), whether the transfer of ownership was voluntary or involuntary. Only the current C-PACE payment and any delinquent C-PACE payments, together with any costs of collection, shall be payable at the settlement of a C-PACE property sale, unless otherwise agreed by the parties.
- (i) C-PACE loans may be transferred, assigned or sold by a capital provider to another capital provider at any time during the C-PACE loan term without consent from borrower, the City or any other party, provided that capital provider shall:
 - (1) Record a C-PACE assignment in the Clerk's Office, and
 - (2) Deliver a copy of the recorded C-PACE assignment to borrower, the City and program administrator.

Recordation of the C-PACE assignment shall constitute an assumption by the new capital provider of the C-PACE rights and obligations contained in the C-PACE documents.

- (j) After the recordation of the C-PACE certificate, capital provider may amend the C-PACE loan and C-PACE lien from time to time without consent from borrower, the City or any other party, as permitted in the C-PACE documents; provided however, in each instance, capital provider shall record a C-PACE amendment in the Clerk's Office and deliver a copy of the recorded C-PACE amendment to borrower, the City and program administrator.

Sec. 10.5-6. Program administrator; program guidelines.

- (a) The City may hire a program administrator, or delegate the program administration duties to program manager or capital provider. The City manager is authorized to enter into any contract on behalf of the City with respect to the administration of the program, if necessary. The program will be designed to minimize

the fees and costs that a borrower must pay for a C-PACE loan, all with the goal of promoting and facilitating participation in the program.

(b) The principal program administration duties may include (without limitation) the following:

- (1) Creating and modifying the program guidelines, as necessary;
- (2) Coordinating the billing and collection process;
- (3) Processing C-PACE applications to determine eligibility for a C-PACE loan and related eligible improvements;
- (4) Ensuring compliance with the program requirements;
- (5) Certifying that prospective C-PACE service providers and capital providers are eligible to participate in the program; and
- (6) Promoting the program by performing program marketing and outreach.

(c) The program will be self-financed through program fees. The initial program fee will be two hundred fifty dollars (\$250.00) per C-PACE project, which may be amended from time to time by the City Manager or program administrator. The program guidelines will include the most current program fees in effect. The program fees shall be paid by borrower in accordance with the C-PACE documents and the program guidelines. The amortization schedule will include any on-going fees to be included with each C-PACE payment.

(d) Program administrator:

- (1) Will endeavor to conduct a competitive, open-market program, available to all pre-certified capital providers, contractors, engineers and consultants, who apply to provide services or funding for the program, and
- (2) Shall not grant any capital provider or service provider an exclusive right to provide services or funding for the program.

(e) The program guidelines will be developed by program administrator and approved by the City Manager and shall not conflict with the C-PACE Act, this chapter, or the C-PACE documents. The program guidelines will include, without limitation, the C-PACE loan notification requirements and closing process. The program guidelines may require program administrator to provide a written report with summary information regarding the program, the portfolio performance of participating capital providers, or other program statistics. The program guidelines shall become effective only after review by the City Attorney and written approval by the City Manager. Program administrator is expressly authorized, in its reasonable discretion, exercised jointly with the City Manager, to modify the program guidelines from time to time in accordance with the intent and purpose of the program, as approved by the City Manager.

(f) The City acknowledges that program administrator may extend its agreement with the City to any other jurisdictions in Virginia in accordance with the joint and cooperative procurement provisions included in the City's request for proposal for a program administrator and its attachments, which provisions shall govern such joint and cooperative procurement. Program administrator shall indemnify, defend and hold the City harmless against any claim brought against the City or any liability imposed on the City as a result of any action or omission to act by program administrator in a jurisdiction to which its program administration agreement with the City was extended under such joint and cooperative procurement.

Sec. 10.5-7. Role of the city; limitation of liability.

Borrowers and capital providers participate in the program at their own risk. The city makes no representation or warranty as to the validity, enforceability, priority, or any other character of any C-PACE loan, C-PACE lien, or C-PACE documents, and borrowers and capital providers agree to release and hold the City harmless from and against any and all liabilities, claims, suits, liens, judgments, damages, losses and expenses, including without limitation, reasonable legal fees and costs arising in whole or in part from acts, omissions, breaches or defaults of borrowers or capital providers in relation to any C-PACE loan, C-PACE lien, or C-PACE documents.

Sec. 10.5-8. Additional provisions.

- (a) Every borrower, on behalf of itself and any affiliated entities (whether in existence at the time of the C-PACE application or created thereafter) and any of its individual shareholders, principals, managers or other associated individuals, shall:
 - (1) Waive the right to bid, either directly or indirectly, on the property at any auction held in the course of foreclosure for delinquent real estate taxes or for delinquent C-PACE payments, and
 - (2) Waive the right to occupy, possess, or use, either directly or indirectly, any property for a period of five (5) years after the date of the foreclosure auction.
- (b) The following borrower waivers shall be included in every C-PACE agreement and shall be a burden that runs with the land intended to bind successors or assigns in title while any C-PACE loan remains outstanding:
 - (1) Borrower hereby waives all defenses, affirmative or otherwise, to the foreclosure action related to any collection suit brought for the nonpayment of any C-PACE loan. This waiver shall apply to any litigation action initiated under the laws of Virginia or any administrative collection action afforded to the City Treasurer, City Director of Finance, or either's duly appointed collection agent;
 - (2) Borrower hereby waives all defenses to the imposition of personal liability for corporate officers as permitted under section 58.1-3965(F) of the State Code and the collection thereof as stated in subparagraph (1) above; and,
 - (3) Borrower hereby agrees to provide a confession of judgment pursuant to section 8.01-432, et seq. of State Code, if requested by the City or capital provider, which confession of judgment provision shall be included in any note related to the C-PACE loan.
- (c) The provisions of this chapter are severable. If a court of competent jurisdiction determines that a word, phrase, clause, sentence, paragraph, subsection, section, or other provision is invalid or that the application of any part of this chapter or provision to any person or circumstance is invalid, the remaining provisions of this chapter shall not be affected and shall remain in full force and effect.
- (d) A draft Assessment and Financing Agreement (i.e., the contract specifying the terms and conditions of the city's C-PACE loan agreements) is adopted as an appendix to this ordinance ("draft agreement"). The parties to any assessment and financing agreement shall be borrower, capital provider, and the City. Each assessment and financing agreement shall be in substantially the form established by the draft agreement, with such additions, deletions or alterations as permitted by this article. Program manager is authorized to modify the draft agreement in program manager's reasonable discretion, provided that such modifications are approved by the City Attorney. The city manager is authorized to enter into assessment and financing agreements on behalf of the City. The city manager may not execute any assessment and financing agreement unless the underwriting requirements and the conditions for the priority status of the C-PACE lien are met.
- (e) The program guidelines shall contain the following provisions:
 - (1) These program guidelines ("guidelines") have been prepared for the purpose of providing a more detailed description of the requirements, rules, procedures, and fees applicable to the City of Danville

Commercial Property Assessed Clean Energy (C-PACE) Financing Program ("program"). These guidelines are subject to chapter 10.5, Code of the City of Danville, 1986, as amended, ("city ordinance") in all respects including, without limitation, the provisions of the city ordinance governing the amendment of these guidelines. If there is a conflict between these guidelines and the city ordinance, then the city ordinance shall govern and control.

- (2) ~~These guidelines are for reference only and do not create any legal rights in favor of any borrower, capital provider, contractor, or any other person, and these guidelines do not impose any legal duty or obligation on the City of Danville, Virginia.~~

Chapter 10.5 COMMERCIAL PROPERTY ASSESSED CLEAN ENERGY (C-PACE) FINANCING

Sec. 10.5-1. - Purpose.

The purpose of this Chapter is to create a Danville Commercial Property Assessed Clean Energy (C-PACE) Financing Program to operate in coordination with the statewide C-PACE program, all in accordance with Va. Code §15.2-958.3 (the "C-PACE Act"). The City and statewide C-PACE programs, working together, will facilitate loans made by Capital Providers to Property Owners of Eligible Properties to finance Eligible Improvements thereon. Subject to the limitations set forth in this Chapter, the C-PACE Act, or other applicable law, each loan, inclusive of principal, interest, and any financed fees, costs, or expenses, will be secured by a voluntary C-PACE Lien on the Eligible Property that is the subject of such loan.

Sec. 10.5-2. - Definitions.

As used in this Chapter, the following words and terms shall be defined as set forth below, unless the context in which they are used clearly requires a different meaning.

Assessment Payment Schedule means a schedule of installments of payments to be made in the repayment of a loan, which is attached to the C-PACE Program Agreement.

Capital Provider means a private lending institution that has been approved by the Program Administrator in accordance with the Program Guidelines to originate a loan and its successors and assigns or the current holder of a loan.

C-PACE Lien means a voluntary special assessment lien levied against an Eligible Property as security for a loan.

C-PACE Program means the program established by the City through this Chapter, in accordance with the C-PACE Act, that in coordination with the Statewide Program facilitates the financing of Eligible Improvements and provides for a C-PACE Lien to be levied and recorded against an Eligible Property to secure a loan.

Documents means the Program Agreement, Financing Agreement, Lien Certificate, and any other written item, agreement, or instrument executed in connection with a loan, or any assignment thereof or amendment thereto.

Eligible Improvements means the initial acquisition and installation of any of the following improvements made to an Eligible Property, whether to an existing structure or new construction:

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- (1) Energy usage efficiency systems, or other capital improvements or systems which result in the reduction of consumption of energy over a baseline established in accordance with the Program Guidelines;
 - (2) Water usage efficiency and safe drinking water improvements, or other capital improvements or systems which result in the reduction of consumption of water over a baseline established in accordance with the Program Guidelines;
 - (3) Renewable energy production facilities, whether attached to a building or sited on the ground, and the storage or distribution of the energy produced thereby, whether for use on-site or sale or export to a utility or pursuant to a power purchase agreement with a non-utility purchaser;
 - (4) Resiliency improvements which increase the capacity of a structure or infrastructure to withstand or recover from natural disasters, the effects of climate change, and attacks and accidents;
 - (5) Stormwater management improvements that reduce onsite stormwater runoff into a stormwater system, such as reduction in the quantity of impervious surfaces or providing for the onsite filtering of stormwater;
 - (6) Environmental remediation improvements;
 - (7) Electric vehicle infrastructure improvements, such as charging stations;
 - (8) Construction, renovation, or retrofitting of a Property directly related to the accomplishment of any purpose listed in subsections (1) – (7) above, whether such Eligible Improvement was erected or installed in or on a building or on the ground; it being the express intention of the City to allow Eligible Improvements that constitute, or are a part of, the construction of a new structure or building to be financed with a loan; and
 - (9) Any other category of improvement approved by law.

Eligible Property means all assessable commercial real estate located within the City, with all buildings located or to be located thereon, whether vacant or occupied, improved or unimproved, and regardless of whether such real estate is currently subject to taxation by the City, excluding any residential dwelling with fewer than five (5) units, and any residential condominium, provided that, to the maximum extent allowed by law, common areas of condominiums or of real estate owned by a cooperative or a property owners' association that have a separate real property tax identification number are Eligible Properties.

Financing Agreement means a written agreement, as may be amended, modified, or supplemented from time to time, between a Property Owner and a Capital Provider, regarding matters related to the extension and repayment of a loan to finance Eligible Improvements, as well as any other lawful terms agreed to by the parties thereto.

Land Records means the land records of the of the Circuit Court of the City of Danville.

Lien Certificate means a voluntary special assessment lien instrument containing relevant information about the lien, including the amount secured, a copy of the Assessment Payment Schedule, and a statement that the lien being secured also includes any applicable fees and costs, and which is duly recorded in the Land Records against an Eligible Property to secure a loan.

Loan means a loan issued pursuant to the C-PACE Program to finance Eligible Improvements.

Locality Agreement means the Virginia Energy – Locality Commercial Property Assessed Clean Energy Agreement between Virginia Energy and the City, pursuant to which the City elects to participate in the Statewide Program.

Program Administrator means the private third party retained by Virginia Energy to provide professional services to administer the Statewide Program in accordance with the requirements of the C-PACE Act, this Chapter, the Locality Agreement, and the Program Guidelines.

Program Agreement means an agreement executed among a Property Owner, the City, and a Capital Provider, and their respective officers, successors, and assigns, which includes the terms and conditions for participation in the C-PACE Program as well as the acknowledgment and consent of the Property Owner for the City to impose a voluntary special assessment, record a Lien Certificate against the Property Owner's Eligible Property, and assign the rights to enforce the C-PACE Lien and Lien Certificate to the Capital Provider.

Program Fee means any fee authorized by the C-PACE Act and charged to participating Property Owners to cover the costs to design and administer the Statewide Program, including Program Administrator compensation and any servicing fee charged if the Program Administrator assumes responsibility for servicing a loan on behalf of a Capital Provider.

Program Guidelines means a comprehensive guide setting forth the procedures, eligibility rules, restrictions, Program Fees, responsibilities, and other requirements applicable to the governance and administration of the Statewide Program.

Program Manager means the City Manager or his designee.

Project means the construction or installation of Eligible Improvements on Eligible Property.

Property Owner means the Property Owner of Eligible Property who voluntarily obtains loan from a Capital Provider in accordance with the Program Guidelines, or a successor in title to the Property Owner. Property Owner includes, to the maximum extent allowed by law, leaseholds of real property who own eligible improvements to be affixed to an Eligible Property pursuant to a ground lease.

Property Owner Certification means a notarized certificate from Property Owner, certifying that Property Owner is current on payments on real estate taxes and any debts secured by a deed of trust lien attached to the Eligible Property, is not insolvent or in bankruptcy proceedings, and that the title of the Property is not in dispute, as evidenced by a title report or title insurance commitment from a title insurance company acceptable to the Program Administrator and Capital Provider.

Statewide Program means the statewide C-PACE financing program sponsored by Virginia Energy, established to provide loans to Property Owners in accordance with the C-PACE Act, this chapter, the Locality Agreement, the Documents, and the Program Guidelines.

Useful Life means the normal operating life of the fixed asset.

Virginia Energy means the Virginia Department of Energy.

Sec. 10.5-3. - C-PACE Program.

- (a) Established. The C-PACE Program is hereby established. The C-Pace Program shall be available throughout the City, provided that the Property Owner, the Eligible Property, the proposed Eligible Improvements, the Capital Provider, and the principal contractors all qualify for the Statewide Program.

-
- (b) Use of loan proceeds. The proceeds of a loan may be used to pay for the construction, development, and consulting costs directly related to Eligible Improvements, including without limitation, the cost of labor, materials, machinery, equipment, plans, specifications, due diligence studies, consulting services, program fees, loan fees, capitalized interest, interest reserves, and transaction underwriting and closing costs.
- (c) Program application. The Program Administrator shall make available the Statewide program application process, to provide for the review and approval of proposed Eligible Improvements and Documents. Program applications will be processed by the Statewide Program in accordance with the eligibility requirements and procedures set forth in the Program Guidelines.

Sec. 10.5-4. - C-PACE loan requirements; Program Fees; reporting; Program Administrator; Program Guidelines.

- (a) Loan requirements. Each loan shall be originated by a Capital Provider, and the City shall have no obligation to originate or guarantee any loan. The interest rate of a loan shall be as set forth in the Documents. The minimum loan amount that may be financed for each Project is fifty thousand dollars (\$50,000.00). There is no maximum aggregate amount that may be financed with respect to an Eligible Property, except as stipulated in the Program Guidelines. There shall be no limit on the total value of all loans issued pursuant to the C-PACE Program. The term of a loan shall not exceed the weighted average Useful Life of the Eligible Improvements, as determined by the Program Administrator.
- (b) Refinancing or reimbursement. The Program Administrator may approve a loan application submitted within two (2) years of the City's issuance of a certificate of occupancy or other evidence that the Eligible Improvements comply substantially with the plans and specifications previously approved by the City and that such loan may refinance or reimburse the Property Owner for the total costs of such Eligible Improvements.
- (c) Financing Agreements. Capital Providers may use their own Financing Agreements for loans, but the Financing Agreement may not conflict with the provisions of this Chapter, the C-PACE Act, or the Program Agreement. To the extent of any conflict, this Chapter, the C-PACE Act, and the Program Agreement shall prevail.
- (d) Program Agreement. To participate in the C-PACE Program, a Property Owner and a Capital Provider shall enter into a Program Agreement that sets forth the terms and conditions for participation. The Agreement shall be binding upon the parties thereto and their respective successors and assigns until the loan is paid in full. The Program Administrator may modify the Agreement as necessary to further the purposes of the Statewide Program and to encourage Program participation, so long as such modifications do not conflict with the Program Guidelines, this Chapter, the Locality Agreement, or the C-PACE Act. Accordingly, the City hereby adopts and incorporates by reference the Statewide Model Program Agreement, *mutatis mutandis*, which is attached as an appendix to the enabling ordinance adopting this Chapter as though fully set out herein
- (e) Repayment of loan; collection of payments. Loans shall be repaid by the Property Owner through payments made in the amounts and at such times as set forth in the Assessment Payment Schedule, the Documents, and the Program Guidelines. The Capital Provider shall be responsible, subject to and in accordance with the terms of the Program Agreement and other Documents, for the servicing of the loan and the collection of payments. If a Capital Provider fails to service a loan, such loan shall be serviced by the Program Administrator. Nothing herein shall prevent the Capital Provider or the Program Administrator from directly billing and collecting the

payments from the Property Owner consistent with law. Any costs incidental to the financing, administration, collection, and enforcement of the loan shall be borne by the Property Owner.

- (f) Assumption of lien. A party that voluntarily or involuntarily acquires an Eligible Property burdened by a C-PACE Lien becomes the Property Owner under the Documents and assumes the obligation to repay any amounts which are due and those which will accrue during the term of the loan. Only the current payment and any delinquent payments, together with any penalties, fees, and collection costs, shall be payable at the settlement of an Eligible Property upon sale or transfer, unless otherwise agreed to by the Capital Provider.
- (g) Assignment of loan. Loans may be transferred, assigned, or sold by a Capital Provider to another Capital Provider at any time until the loan is paid in full provided that the Capital Provider shall record the assignment in the Land Records and provide written notice and a copy of the recorded assignment to the Property Owner, the Program Administrator, and the City in accordance with the Program Guidelines. Recordation of an assignment constitutes an assumption by the new Capital Provider of all rights and obligations of the original Capital Provider.
- (h) Program Guidelines and fees. The Program Guidelines shall be established by the Program Administrator, under the direction of and in consultation with Virginia Energy. The Program Administrator may modify the Program Guidelines with the consent of Virginia Energy. The amount of any Program Fees shall be set forth in the Program Guidelines and may be modified by the Program Administrator.
- (i) Indemnification. The Program Administrator shall indemnify, defend, and hold the City harmless against any claim brought against the City or any liability imposed thereon because of any action or omission to act by the Program Administrator.

Sec. 10.5-5. - Levy of assessment; recordation; priority; amendment; enforcement and collection costs.

- (a) Levy of voluntary special assessment lien. Each loan made under the C-PACE Program shall be secured by a C-PACE Lien levied by the City against each Eligible Property benefitting from the Eligible Improvements financed by such loan. The C-PACE Lien shall be in the Loan Amount, but shall also secure all interest, late fees, penalties, Program Fees, and collection costs, including legal costs payable in connection therewith. Each C-PACE Lien shall be evidenced by a Lien Certificate, which shall be recorded in the Land Records by the Capital Provider upon the full execution of the Documents and funding of the loan. A Capital Provider may request amendments to a loan or C-PACE Lien if such amendments are agreed to in writing by the Capital Provider, Property Owner, and the City and recorded in the Land Records.
- (b) Priority. A C-PACE Lien shall have the same priority as a real property tax lien against real property, except that it shall have priority over any previously recorded deed of trust lien on the Property only if prior to the recording of the C-PACE Lien, the Property Owner has obtained the written consent of the holder of such prior deed of trust, executed by such lienholder and recorded such consent in the Land Records. Prior to the recording of the Lien Certificate, the Property Owner shall deliver an executed Property Owner Certification to the City. Only the current payment and any delinquent payments shall constitute a first lien on the Property. The C-PACE Lien shall run with the land and that portion of the C-PACE Lien under the Program Agreement that has not yet become due shall not be eliminated by foreclosure of a real property tax lien.
- (c) Enforcement and collection costs. In the event of Property Owner's default under the terms of the Documents, the Capital Provider may enforce the C-PACE Lien for the amount of the Delinquent Payments, late fees, penalties, interest, and any costs of collection in the same manner that a property tax lien against real property may be enforced under Virginia law, including the institution of suit in the

name of the City and its Treasurer, and authorization for the Capital Provider to hire legal counsel to advise and conduct all aspects of such enforcement. Such legal counsel, being authorized to institute suit in the name of the City and its Treasurer, shall have the status of Special Counsel to the City and its Treasurer and an attorney employed by the Council, under Virginia law and shall possess all the rights and powers of an attorney employed consistent therewith, with the express authority to exercise for the benefit of the Capital Provider every power granted to a local government and its Treasurer and attorney for the enforcement of a property tax lien under Virginia law and no additional bond need be posted. All collection and enforcement costs and expenses, interest, late fees, other types of fees, and penalties charged by the City or Capital Provider, as applicable and consistent with law, shall be added to the Delinquent Payments being collected, become part of the aggregate amount that may be sued for and collected, be added to the loan, and be secured by the C-PACE Lien. Upon the execution of any C-PACE Lien, the City shall assign enforcement responsibility to the Capital Provider in a written instrument substantially in the form attached as an appendix to the enabling ordinance adopting this Chapter as though fully set out herein

Sec. 10.5-6. - Role of the City; limitation of liability.

- (a) Agreement. The City shall enter into a Locality Agreement to opt into the Statewide Program. Accordingly, the City hereby adopts and incorporates by reference the Statewide Model Locality Agreement, *mutatis mutandis*, which is attached as an appendix to the enabling ordinance adopting this Chapter as though fully set out herein.
- (b) The Program Manager is hereby authorized to approve loans and execute any Lien Certificate, Program Agreement, Locality Agreement, or amendment to any Documents on behalf of the City without further action by the Council.
- (c) Each Property Owner and Capital Provider participates in the C-PACE Program at his own risk. By executing the Documents or by otherwise participating in the C-PACE Program, any Property Owner, Capital Provider, contractor, or other party or participant hereby acknowledges and agrees, as a condition of participation in the C-PACE Program, that:
 - (i) the City undertakes no obligations under the Program except as expressly stated herein or in the Program Agreement;
 - (ii) in the event of a default by a Property Owner, the City has no obligation to use City funds to make payments to any Capital Provider;
 - (iii) no loan, payment, C-PACE Lien, or other obligation arising from any Documents, the C-PACE Act, or this Chapter shall be backed by the credit, taxes, or other funds of the City, the Commonwealth, or any political subdivision thereof, nor shall such obligation constitute an indebtedness of the City within the meaning of any debt limitation or restriction;
 - (iv) the City has not made any representations or warranties, financial or otherwise, and assumes no responsibility with respect to, a Property Owner, Eligible Property, Project, Capital Provider, loan, or the accuracy or completeness of any Documents, or any assignment or amendment thereof;
 - (v) the City assumes no responsibility or liability in regard to any Project, or the planning, construction, or operation thereof;
 - (vi) each Property Owner or Capital Provider shall, upon request, provide the City with any information associated with a Project or a loan that is reasonably necessary to confirm that the Project or loan satisfies the requirements of the Program Guidelines; and

(vii) each Property Owner, Capital Provider, or other participant under the C-PACE Program, shall comply with all applicable requirements of the Program Guidelines.

Council Letter City of Danville, Virginia



CL - 1658

NEW BUSINESS C.

City Council REGULAR MEETING

Meeting Date: February 4, 2025

Subject: Transfer Ownership of Parcel #59921 to the School Board.

From: Christopher (Ryan) Dodson, Assistant City Attorney

COUNCIL ACTION

1. Public Hearing
2. A Resolution Declaring City-Owned Parcel #59921 Piney Forest Road to be Surplus to the Needs of the City and Authorizing the City Manager to Convey Such Property to the School Board of the City of Danville.

SUMMARY

City Staff is seeking approval to transfer ownership of a small surplus vacant lot along the intersection of Apollo Avenue and Piney Forest Road, identified as Parcel #59921 Piney Forest Road, to the School Board of the City of Danville.

BACKGROUND

The City owns Parcel #59921, a small, triangular vacant lot along the intersection of Apollo Avenue and Piney Forest Road directly adjacent to the steps at the baseball field at O.T. Bonner Middle School, and appears to include the bottom few steps. This lot is the leftover portion of a Parcel purchased by the City in 1971 to construct Apollo Avenue. There is not currently any special limitations on the disposition or use of the lot. City Staff has determined that the City has no current or future intended use for the lot and it appears to be surplus to the needs of the City. As a City-owned parcel, the City is currently responsible for maintenance and could be liable as landowner in certain circumstances. Transferring ownership of this Parcel to the School Board eliminates future maintenance costs and liability issues, reduces the amount of surplus land owned by the City, evens out the boundary of the School Board's adjacent Parcel, and allows the School Board to consolidate the Parcel to clean up the City's real estate maps.

RECOMMENDATION

City staff recommends Council adopt the attached resolution approving the donation of Parcel #59921 on Piney Forest Road to the School Board of the City of Danville.

Attachments

1. Resolution
 2. Deed of Gift
-

PRESENTED: _____

ADOPTED: _____

RESOLUTION NO. 2025-____.____

A RESOLUTION DECLARING CITY-OWNED PARCEL #59921 PINEY FOREST ROAD TO BE SURPLUS TO THE NEEDS OF THE CITY AND AUTHORIZING THE CITY MANAGER TO CONVEY SUCH PROPERTY TO THE SCHOOL BOARD OF THE CITY OF DANVILLE.

WHEREAS, the City owns a small vacant lot located at the intersection of Piney Forest Road and Apollo Avenue, more particularly identified as Parcel #59921 (the "Property"), which is left over from road construction and has no current or planned use by the City; and

WHEREAS, the City's continued ownership of the Property requires the on-going expenditure of public funds to care for and maintain the Property in an inefficient manner, despite its lack of public benefit.

NOW THEREFORE, BE IT RESOLVED by the Council of the City of Danville, Virginia, that the Property is surplus to the City's needs, and that the City's interests are better served by the conveyance of the Property to the School Board of the City of Danville; 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 School Board of the City of Danville; 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.

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 59921
Mail to: School Board City of Danville, 341 Main St., Danville, VA 24541
Title Insurance: None
Consideration: None

THIS **DEED OF GIFT** made and entered into this ____ day of _____, 202__, by and between the **CITY OF DANVILLE, VIRGINIA a municipal corporation of the Commonwealth of Virginia, GRANTOR**, and the **SCHOOL BOARD OF THE CITY OF DANVILLE, 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:

TAX PIN #59921 – PINEY FOREST ROAD, DANVILLE, VIRGINIA

APPROXIMATELY 0.0393 Acre triangle along the northern margin of Apollo Avenue at its intersection with Piney Forest Road, being, in fact all of Tax Map No. 1706-002-000001.000, PIN #59921.

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.

This conveyance is 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 _____, and by the School Board of the City of Danville, Virginia by Resolution No. _____, adopted on _____, pursuant to public hearings 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: _____

DANVILLE SCHOOL BOARD

BY: _____
TY'QUAN GRAVES
Chairman, School Board of the City of Danville

STATE OF VIRGINIA
CITY OF DANVILLE, to-wit:

The foregoing Deed was acknowledged before me this the ____ day of _____, 202__, by **Ty'Quan Graves**, acting in his capacity as Chairman, on behalf of the School Board of Danville, Virginia.

BY: _____
NOTARY PUBLIC

My commission expires: _____

Notary registration number: _____

Council Letter City of Danville, Virginia



CL - 1656

NEW BUSINESS D.

City Council REGULAR MEETING

Meeting Date: February 4, 2025

Subject: Release of City Held Liens on Five Properties to the Danville Redevelopment and Housing Authority.

From: Christopher (Ryan) Dodson, Assistant City Attorney

COUNCIL ACTION

A Resolution Approving and Authorizing the Release of City-Held Liens Against Real Property Identified as Parcels #01542, #03684, #04560, #24020, and #25759, to Facilitate their Donation to the Danville Redevelopment and Housing Authority.

SUMMARY

City Staff is seeking approval from City Council to release seventy nuisance abatement liens and associated costs and delinquencies affecting five parcels of land on N. Main Street, Pearl Street, Keister Street, and Stokes Street to facilitate their donation to the Danville Redevelopment and Housing Authority.

BACKGROUND

The City currently holds approximately \$114,000 in nuisance abatement liens, and associated collection costs and interest against five parcels, identified as Parcel #01542 N. Main Street, #04560 N. Main Street, #25759 Pearl Street, #03684 Keister Street, and #24020 Stokes Street. The liens and costs greatly exceed the market value of the parcels, which is presently assessed at \$12,100.

The nuisance abatement liens relate to the demolition of multiple unsafe structures and subsequent grass-cuttings dating back to 2013. The present owner of the parcels has no other assets and wishes to donate the land to the DRHA to assist with the development of much-needed affordable housing in exchange for the release of the delinquencies and liens. Partnering with the DRHA on this furthers the City's goals of blight eradication and expanding the housing supply. The donation is dependent upon the City releasing the recorded nuisance abatement liens and associated costs to allow clear title to transfer.

Under State law, City Council can release nuisance abatement liens to facilitate the transfer of an otherwise unmarketable lot. City Staff has determined that releasing the outstanding nuisance abatement liens to facilitate the property transfer would be of benefit to the City by eliminating likely future maintenance costs, increasing the taxable value and productive use of the Parcels, and assisting the DRHA in developing new affordable housing.

RECOMMENDATION

City staff recommends releasing existing liens and associated collection costs and interest affecting Parcels #01542 N. Main Street, #04560 N. Main Street, #25759 Pearl Street, #03684 Keister Street, and #24020 Stokes Street, contingent upon the actual transfer of the Parcels to the DRHA.

Attachments

1. Resolution

PRESENTED: _____

ADOPTED: _____

RESOLUTION NO. 2024-_____._____

A RESOLUTION APPROVING AND AUTHORIZING THE RELEASE OF CITY-HELD LIENS AGAINST REAL PROPERTY IDENTIFIED AS PARCELS #01542, #03684, #04560, #24020, AND #25759, TO FACILITATE THEIR DONATION TO THE DANVILLE REDEVELOPMENT AND HOUSING AUTHORITY.

WHEREAS, there exists seventy (70) City-held liens and approximately \$114,000.00 collectively in delinquent taxes, associated collection costs, and interest against certain real properties in the City of Danville, identified as Tax Parcels #01542 (N. Main Street), #03684 (Keister Street), #04560 (N. Main Street), #24020 (Stokes Street), and #25759 (Pearl Street), (collectively “the Properties”); and

WHEREAS, the delinquent taxes, liens, associated collection costs, and interest greatly exceed the tax assessed value of the Properties, making the lots presently unmarketable; and

WHEREAS, the present owner of the Properties desires to donate the Properties to the City and to the Danville Redevelopment and Housing Authority, as trustee for the City of Danville; and

WHEREAS, under Va. Code § 15.2-906(4) a locality may release such lien against a particular property in order to facilitate its sale or transfer to an unrelated, bona fide purchaser;

NOW THEREFORE, BE IT RESOLVED, by the City Council of Danville, Virginia that all delinquent taxes, abatement charges, City-held liens, associated collection costs, and interest of record against Tax Parcels #01542, #03684, #04560, #24020, and #25759 be released to facilitate their donation to the City and to the Danville Redevelopment and Housing Authority, as trustee for the City of Danville, provided such donation actually occurs.

Approved:

Mayor

Attest:

City Clerk

Approved as to
Form and Legal Sufficiency:

City Attorney

Council Letter City of Danville, Virginia



CL - 1657

NEW BUSINESS E.

City Council REGULAR MEETING

Meeting Date: February 4, 2025

Subject: Granting an Easement to Lumos Networks for Installation and Maintenance of Cable Fiber.

From: Christopher (Ryan) Dodson, Assistant City Attorney

COUNCIL ACTION

A Resolution Authorizing the City Manager to Convey an Easement Across Parcel #76311 on South Boston Road to Allow for the Installation and Maintenance of Cable Fiber.

SUMMARY

City Staff is seeking approval from City Council to grant an easement for the installation of cable fiber upon a parcel of land owned by the City identified as Parcel #76311 on South Boston Road.

BACKGROUND

Lumos Networks, Inc., desires to install cable fiber upon a City-owned property identified as Parcel #76311 on South Boston Road. The cable fiber will allow for the provision of telecommunications services upon the property. Virginia law requires the City Council to vote to approve the granting of an easement upon a City-owned Parcel.

RECOMMENDATION

City staff recommends the granting of an easement across Parcel #76311 on South Boston Road to enable the installation of cable fiber, subject to the conditions set forth in the attached Deed of Easement.

Attachments

1. Resolution
 2. Exhibit A
-

PRESENTED: _____

ADOPTED: _____

RESOLUTION NO. 2025-____.____

A RESOLUTION AUTHORIZING THE CITY MANAGER TO CONVEY AN EASEMENT ACROSS PARCEL #76311 ON SOUTH BOSTON ROAD TO ALLOW FOR THE INSTALLATION AND MAINTENANCE OF CABLE FIBER.

WHEREAS, the City owns a certain piece of real property commonly known as Parcel #76311 fronting South Boston Road; and

WHEREAS, Lumos Networks, Inc. is installing cable fiber interconnected to existing fiber installed upon parcel #76311 and needs to install approximately 2,103 feet of cable fiber across such Parcel to provide necessary communication services to the Property; and

WHEREAS, it is the desire of the City to promote increased broadband availability within the City.

NOW THEREFORE, BE IT RESOLVED by the Council of the City of Danville, Virginia, that 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 an easement substantially similar in form to the attached easement, across City Parcel #76311, to Lumos Networks, Inc., or their successors in interest, for a duration of forty (40) years; 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 Lumos Networks, Inc.

Approved:

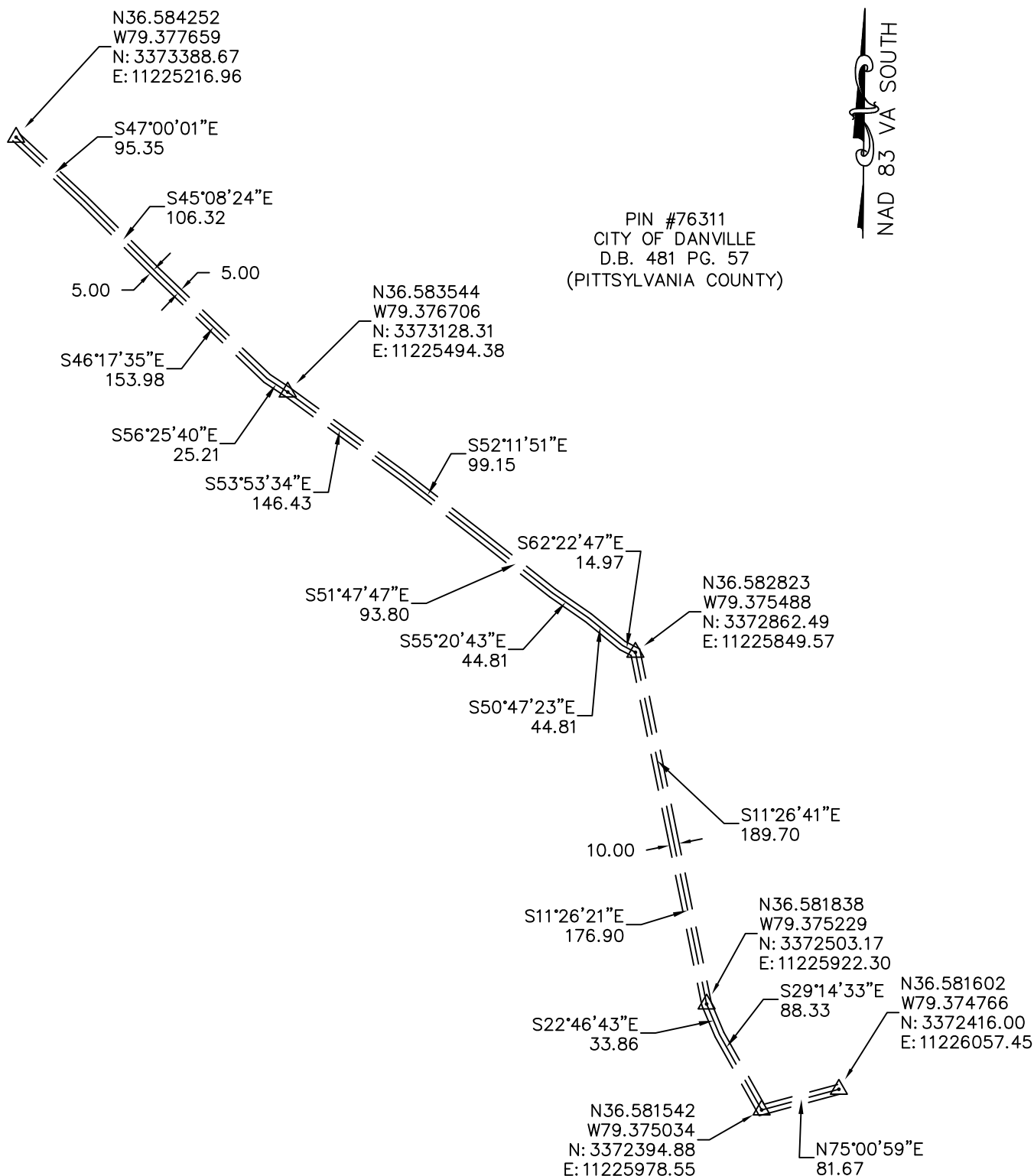
Mayor

Attest

City Clerk

Approved as to
Form and Legal Sufficiency:

City Attorney



NOTE:

1. THIS EXHIBIT SHOWS A PROPOSED 10' FIBER OPTIC EASEMENT BEING CENTERED 5'.
2. BEARINGS AND DISTANCES SHOWN ALONG CENTER OF SAID EASEMENT.
3. COORDINATES SHOWN ARE BASED ON INFORMATION SHOWN ON PLANS PROVIDED BY NB+C ENGINEERING SERVICES, LLC PERFORMED FOR LUMOS NETWORKS, INC., BEARING PROJECT NUMBER F7P6L3-012 LOCATED ON 1002 S BOSTON RD, DANVILLE, VA 24540

PROJECT NO.: B-1406

EXHIBIT SHOWING:
FIBER OPTIC EASEMENT
BEING GRANTED TO:
LUMOS NETWORKS, INC.

BY:

THE CITY OF DANVILLE, VA
PIN #76311

SCALE: 1" = 150' DATE: JANUARY 28, 2025

PREPARED BY THE OFFICE OF THE CITY ENGINEER

Council Letter City of Danville, Virginia



CL - 1659

NEW BUSINESS F.

City Council REGULAR MEETING

Meeting Date: February 4, 2025

Subject: Approving and Authorizing the City's Acceptance of Real Property from the DRHA.

From: Christopher (Ryan) Dodson, Assistant City Attorney

COUNCIL ACTION

A Resolution Approving and Authorizing the Acceptance of Real Property Identified as Parcel #05002 Located on Locust Lane and Parcel #56948 Located on Bishop Avenue from the Danville Redevelopment and Housing Authority to Facilitate Infrastructure Improvements.

SUMMARY

City Staff is seeking approval to accept the transfer of two vacant lots identified as Parcel #05002 on Locust Lane and Parcel #56948 on Bishop Avenue from the Danville Redevelopment and Housing Authority to facilitate development projects.

BACKGROUND

The Danville Redevelopment and Housing Authority (DRHA), as part of its trust agreement with the City, owns two vacant lots identified as Parcel #05002 on Locust Lane and Parcel #56948 on Bishop Avenue (the "Property") which have been identified as having potential use by the City.

Parcel #05002 is located on Locust Lane and currently has a utility cabinet installed thereon. The City's Engineering Division has requested this lot be transferred to the City to allow for potential improvements to the cabinet equipment. Parcel #56948 is near the planned road improvements near Bishop Avenue between Memorial Drive and West Main Street. Its transfer to the City is necessary to complete the road improvement plans, as the Parcel will enable certain utility easements to be redirected around private property and minimize the potential impact of the infrastructure improvements.

Transferring ownership of these Parcels to the City allows the Engineering Division's plans to move forward, and minimizes the potential costs of these improvements, as the City will not have to purchase alternative land to achieve its intended goals.

RECOMMENDATION

City staff recommends Council adopt the attached resolution accepting the donation of Parcel #05002 Locust Lane and Parcel #56948 Bishop Avenue from the Danville Redevelopment and Housing Authority.

Attachments

1. Resolution
-

PRESENTED: _____

ADOPTED: _____

RESOLUTION NO. 2025-____.____

A RESOLUTION APPROVING AND AUTHORIZING THE ACCEPTANCE OF REAL PROPERTY IDENTIFIED AS PARCEL #05002 LOCATED ON LOCUST LANE AND PARCEL #56948 LOCATED ON BISHOP AVENUE FROM THE DANVILLE REDEVELOPMENT AND HOUSING AUTHORITY TO FACILITATE INFRASTRUCTURE IMPROVEMENTS.

WHEREAS, there exists within the City of Danville two (2) parcels of undeveloped land owned by the Danville Redevelopment and Housing Authority (the "DRHA") on behalf of the City, and identified as Parcels #05002 on Locust Lane and #56948 on Bishop Avenue (the "Property"); and

WHEREAS, the Property has been identified by City staff as having value to the City of Danville to facilitate future infrastructure projects;

NOW THEREFORE, BE IT RESOLVED, by the City Council of Danville, Virginia, that the donation of Parcels #05002 and #56948 from the Danville Redevelopment and Housing Authority is hereby accepted by the City of Danville, Virginia: and

BE IT FURTHER RESOLVED that the City Manager is hereby authorized to execute any documents in furtherance of this resolution.

Approved:

Mayor

Attest

City Clerk

Approved as to
Form and Legal Sufficiency:

City Attorney

Council Letter City of Danville, Virginia



CL - 1661

NEW BUSINESS G.

City Council REGULAR MEETING

Meeting Date: February 4, 2025

Subject: Resolution Petitioning VDOT to Transfer Three Parcels to the City of Danville.

From: Christopher (Ryan) Dodson, Assistant City Attorney

COUNCIL ACTION

A Resolution Petitioning the Commonwealth Transportation Board to Transfer Certain Surplus Real Property to the City of Danville.

SUMMARY

City Staff is seeking approval to acquire three parcels of land left over from completed VDOT projects, identified as Parcel #78444 Ida Street, Parcel #56238 Memorial Drive, and Parcel #51089 Norwood Drive, from the Commonwealth of Virginia.

BACKGROUND

The State owns three vacant lots in the City of Danville that are left over from completed VDOT projects, identified as #78444 Ida Street, #56238 Memorial Drive, and #51089 Norwood Drive. Property owned by the State is exempt from local real estate taxes and the City lacks the power to require the State to remove trash, or cut and maintain the grass and other vegetation. Based on previous discussions with a representative from the Commonwealth Transportation Board, the policy of the State is to transfer ownership of leftover parcels of land to the City, provided the City Council requests it to do so. If the City were to obtain ownership of the parcels, it would have much more flexibility in managing the lots, either through land banking, dedication as right-of-way, or sale to private owners who would maintain the parcels and pay real estate taxes.

RECOMMENDATION

City staff recommends adopting the enclosed Resolution petitioning the Commonwealth Transportation Board to transfer ownership of Parcel #78444 Ida Street, Parcel #56238 Memorial Drive, and Parcel #51089 Norwood Drive to the City, so that the City can better manage and potentially dispose of the parcels rather than allowing them to remain unused and untaxed.

Attachments

1. Resolution
-

PRESENTED: _____

ADOPTED: _____

RESOLUTION NO. 2025-____.____

A RESOLUTION PETITIONING THE COMMONWEALTH
TRANSPORTATION BOARD TO TRANSFER CERTAIN SURPLUS REAL PROPERTY TO
THE CITY OF DANVILLE.

WHEREAS, the Commonwealth of Virginia (the “Commonwealth”) acquired three (3) parcels of real estate for the construction, reconstruction, alteration, maintenance, or repair of various roadways in connection with the following three (3) projects (the “Projects”), in the City of Danville (the “City”) described as follows:

1. 6265-071-V05, RW201 – Route 265 Project (Parcel #78444 Ida Street)
2. 6265-071-V05, RW201 – Franklin Turnpike Extension Project (Parcel #51089 Norwood Drive)
3. 1000-108-110, RW201 – Piedmont Drive/ George W. Robertson Bridge Project (Parcel #56238 Memorial Drive)

(the “Property”); and

WHEREAS, all aspects of the construction, reconstruction, alteration, maintenance, and/or repair of the Project are complete and title to the Property encompassed by the Project (the “Right-of-Way”) remains vested in the Commonwealth; and

WHEREAS, the Right-of-Way constitutes a section of public roadway and related residual area acquired, and the City maintains the Right-of-Way; and

WHEREAS, the City Council believes it would be in the best interest of the City for title to the Right-of-Way acquired in connection with said project to be transferred to the City.

NOW THEREFORE, BE IT RESOLVED, by the City Council of Danville, Virginia, that the City Council hereby petitions the Commonwealth Transportation Board, pursuant to §33.1-89 and §33.1-149 of the Code of Virginia, as amended, to transfer the

Property and any other real estate, property, and interests comprising the Right-of-Way acquired incidental to the construction, reconstruction, alteration, maintenance, and/or repair of the Projects to the City of Danville, and to take such other action as necessary to complete the conveyance of title for the Property and other related Right-of-Way to the City, and upon transfer such Property and other related Right-of-Way shall cease being a part of the State Highway System; and

BE IT FURTHER RESOLVED, that the City Manager is hereby authorized to execute any documents in furtherance of this resolution.

Approved:

Mayor

Attest

City Clerk

Approved as to
Form and Legal Sufficiency:

City Attorney

Council Letter City of Danville, Virginia



CL - 1820

NEW BUSINESS H.

City Council REGULAR MEETING

Meeting Date: February 4, 2025

Subject: Designate Revitalization Areas in the City of Danville.

From: Susan McCulloch, Division Director of Housing & Development

COUNCIL ACTION

A Resolution Designating U.S. Census Tracts 1, 2, 3, 4, 5, 6, 8, 9, 10, 11, 12, 13.01, 13.02, and 14 as Revitalization Areas.

SUMMARY

Virginia Housing is a state agency that offers funding and loans for qualified residential projects. One of the qualifications is that the project should be in a Qualified Census Tract or Revitalization Area. Two of Danville's census tracts (5 and 11) will no longer be Qualified Census Tracts. Designating Census Tracts as Revitalization Areas will assist with residential development. Other census tracts would have access to VA Housing Funding if they are designated as Revitalization Areas.

BACKGROUND

Two River District tracts are no longer Qualified Census Tracts (QCTs): Census Tract 5 (which contains buildings such as the TB Fitzgerald, Craghead Street, and 18 N Floyd) and Census Tract 11 (which covers the Almagro and Seeland areas as well as Winslow Hospital). Other census tracts could also benefit from the VA Housing program for infill and adaptive reuse projects.

The Designation of Census Tracts 1, 2, 3, 4, 5, 6, 8, 9, 10, 11, 12, 13.01, 13.02 and 14 as Revitalization Areas will be another tool to encourage development/redevelopment and incentivize workforce housing in the mix of larger projects.

RECOMMENDATION

Staff recommends City Council adopt this resolution to continue the work being done in Danville to provide more residential options to the City.

Attachments

1. Resolution
 2. Revitalization Areas
-

PRESENTED: _____

ADOPTED: _____

RESOLUTION NO. 2025-_____._____

A RESOLUTION APPROVING AND AUTHORIZING THE DESIGNATION OF U.S. CENSUS TRACTS 1, 2, 3, 4, 5, 6, 8, 9,10, 11, 12, 13.01, 13.02, and 14 AS REVITALIZATION AREAS PURSUANT TO SECTION 36-55.30:2.A OF THE CODE OF VIRGINIA 1950. AS AMENDED.

WHEREAS; pursuant to Section 36-55.30:2.A of the Code of Virginia of 1950, as amended, the City Council of Danville, Virginia, desires to designate the areas (the "Areas") described on Exhibit "A" attached hereto as revitalization areas.

NOW THEREFORE, BE IT HEREBY RESOLVED, by the City Council of Danville, Virginia that it hereby makes the following determinations pursuant to Section 36-55.30:2.A:

- (i) (b).the industrial, commercial, or other economic development of such Areas will benefit the City but the Areas lack the housing needed to induce manufacturing, industrial, commercial, governmental, educational, entertainment, community development, healthcare, nonprofit enterprises or undertakings to locate or remain in the Areas; and
- (ii) private enterprise and investment are not reasonably expected, without assistance, to produce the construction or rehabilitation of decent, safe, and sanitary housing and supporting facilities that will meet the needs of low and moderate income persons and families in the Areas and will induce other persons and families to live within the Areas and thereby create a desirable economic mix of residents in the Areas.

AND BE IT FURTHER RESOLVED, by the Council of the City of Danville, Virginia, that it hereby approves and authorizes the designation of U.S. Census Tracts 1, 2,

3, 4, 5, 6, 8, 9, 10, 11, 12, 13.01, 13.02 and 14 as Revitalization Areas, in accordance with Section 36-55.30:2A of the Code of Virginia, 1950, as amended.

Approved:

Mayor

Attest

City Clerk

Approved as to
Form and Legal Sufficiency:

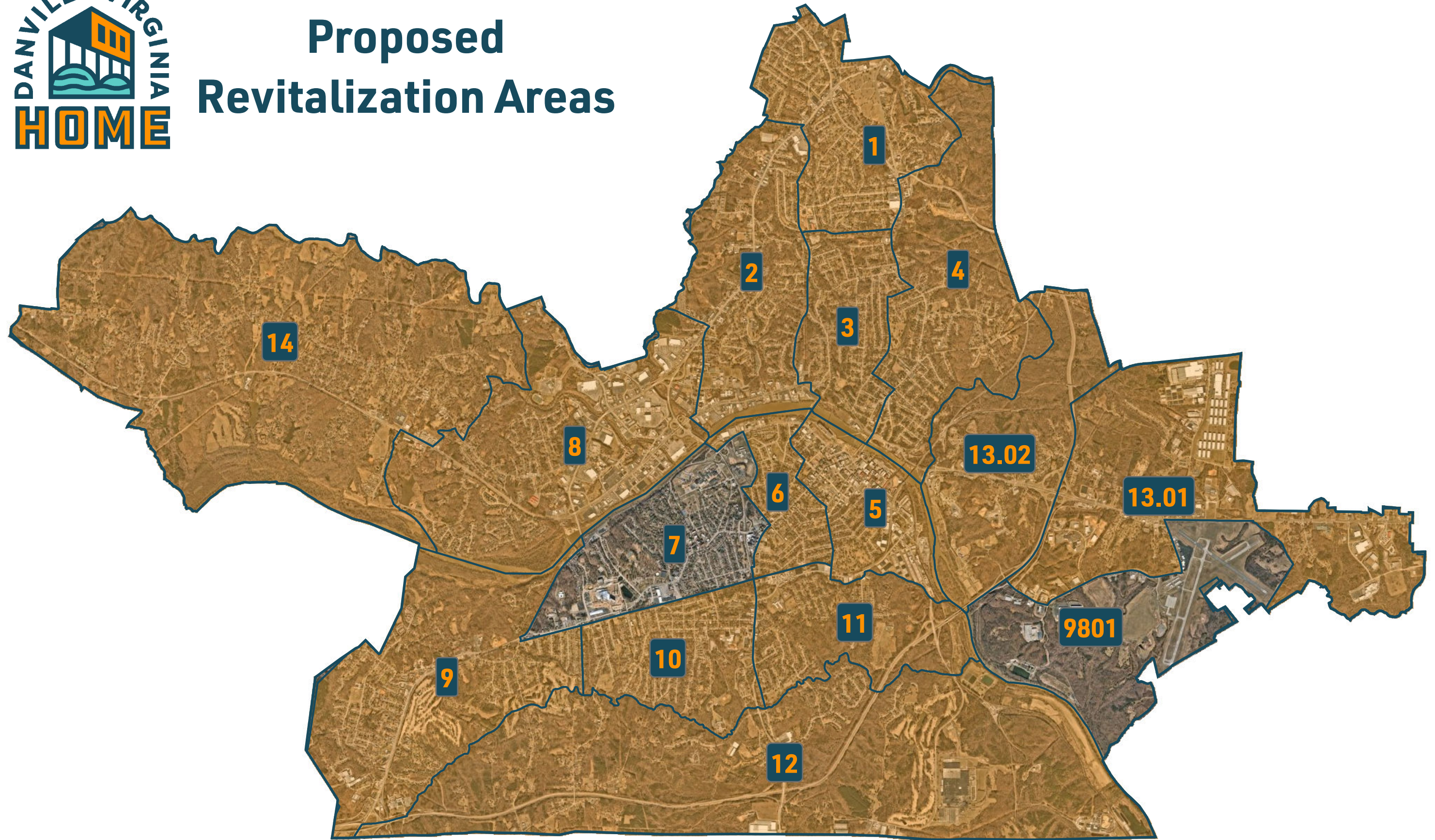
City Attorney

EXHIBIT A

[Insert description or plat of the area designated as a revitalization area]



Proposed Revitalization Areas



Council Letter City of Danville, Virginia



CL - 1854

NEW BUSINESS I.

City Council REGULAR MEETING

Meeting Date: February 4, 2025

Subject: Moral Obligation to Virginia Small Business Finance Authority

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

COUNCIL ACTION

A Resolution of the City Council of the City of Danville, Virginia Approving Support Agreement.

SUMMARY

The Danville Industrial Development Authority has solicited and received approval for credit financing from the Virginia Small Business Finance Authority in the amount of \$2,981,534.00 to pay off an existing indebtedness, and fund improvements to its industrial building located 1350 Barker Road, Ringgold Virginia. Building improvements will be used to support the location of RBW Electric Cars, a UK based company, to conduct its primary operations.

BACKGROUND

The Danville Industrial Development Authority, (IDA), has received approval for financing in the amount of \$2,981,534.00 from the Virginia Small Business Finance Authority,(VSBFA) to pay off an existing indebtedness and provide resources to make improvements to its industrial building located at 1350 Barker Road, Ringgold Virginia. Building improvements will be used to support the location of a manufacturing client, RBW Electric Cars, (RBW) to conduct its manufacturing operations from the 1350 Barker Road location located in the Cane Creek Industrial Park, Ringgold, Virginia. RBW Electric Cars is a UK based company whose primarily business is to manufacture hand-built, classic electric sport cars. Repayment for this debt will be made by the company through a lease purchase agreement between the company and the Danville Industrial Development Authority. As a condition to financing, VSBFA has requested the pledging of the City's moral obligation to pay amounts due on the Note, that are not paid when due by the IDA. The moral obligation will not create debt for the City for purposes of the Virginia Constitution and would promote industry and increase commerce in the City and the Commonwealth of Virginia.

RECOMMENDATION

Staff recommends Council to support the project by execution of the support agreement to Virginia Small Business Finance Authority.

Attachments

1. Resolution
 2. Moral Obligation Support Agreement Danville (2024 Barker Road Project)-2
-

PRESENTED: _____

ADOPTED: _____

RESOLUTION NO. 2025-____.____

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF DANVILLE, VIRGINIA APPROVING A SUPPORT AGREEMENT FOR REFINANCING AND PROJECT RENOVATIONS AT 1350 BARKER ROAD.

WHEREAS, the City Council of Danville, Virginia (the "City Council") has determined that it is in the best interests of the City of Danville, Virginia (the "City") to lend its assistance to the Industrial Development Authority of Danville, Virginia (the "Authority") in the issuance of the Authority's promissory note in the original principal amount of up to \$2,981,534.00 due and payable in full in approximately ten (10) years (the "Note") in order to refinance the Authority's indebtedness to Union Bank (the "Existing Indebtedness") incurred in connection with commercial property located at 1350 Barker Road, Ringgold, Virginia (the "Project"), and to provide additional financing for approved Project renovations, by the pledging of the City's moral obligation to pay amounts due on the Note that are not paid when due by the Authority; and

WHEREAS, the proceeds of the Note and the loan evidenced thereby (the "Loan") are to be used (i) to refinance such Existing Indebtedness and finance Project renovations and (ii) to pay the costs of issuance of the Note, all to accomplish certain purposes of the Virginia Industrial Development and Revenue Bond Act (the "Act"); and

WHEREAS, there has been presented to the City Council a plan for the financing of the Existing Indebtedness and Project renovations involving the issuance of the Note by the Authority and the pledge of the moral obligation of the City, which would not create debt of the City for purposes of the Virginia Constitution and would promote industry and increase commerce in the City and the Commonwealth of Virginia; and

WHEREAS, the Authority has received a proposal from the Virginia Small Business Financing Authority ("VSBFA") for purchase of the Note, pursuant to a Loan

Agreement between the Authority and VSBFA providing for the purchase of the Note and the loan of the monies from the sale of the Note to pay the Existing Indebtedness and Project renovations (the "Loan Agreement"), payment of which Note is secured by a lien on and security interest in the Project granted pursuant to a Deed of Trust between the Authority and VSBFA (the "Security Documents"), and in connection therewith, VSBFA has requested a moral obligation support agreement be entered into between the Authority and the City; and

WHEREAS, there has been presented to this meeting a draft of a Support Agreement between the City and the Authority to undertake a non-binding obligation to appropriate from time to time monies in connection with payments due on the Note (the "Support Agreement");

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

1. The following plan for financing the Existing Indebtedness and Project renovations is hereby approved. The Authority will be requested to issue the Note in the maximum amount of \$2,981,534.00 and to use the proceeds therefrom to finance the repayment of the Existing Indebtedness, to finance Project renovations and pay costs of issuance. The Authority will sell the Note to VSBFA and agree to repay the same pursuant to the Loan Agreement. The obligation of the City to make any payments under the Support Agreement will be subject to the City Council making appropriations for such purpose from time to time. It is expected that the Note will be secured by the Security Documents, the Loan Agreement, and the Support Agreement. It is hereby found and determined that the above-described plan is in the public interest, will benefit the inhabitants of the City, will increase commerce and will promote the safety, health, welfare, convenience, and prosperity of the City and its citizens.

2. The City Manager, the Mayor or Vice-Mayor of the City Council, any of whom may act, is hereby authorized and directed to execute and deliver the Support Agreement. The City Manager, the Mayor or Vice-Mayor of the City Council, any of whom may act, is hereby authorized and directed to acknowledge and consent, as necessary, to the provisions of the Support Agreement and any other agreements, instruments, certificates or other documents required to be executed by the City in connection with the issuance of the Note, and to designate and confirm the final provisions and other terms of the Note.

3. The Support Agreement shall be in substantially the form submitted to this meeting, which is hereby approved, with such completions, omissions, insertions, and changes as may be approved by the officer executing it, his execution to constitute conclusive evidence of his approval of any such completions, omissions, insertions and changes.

4. The City Council, while recognizing that it is not empowered to make any binding commitment to make appropriations beyond the current fiscal year, hereby states its intent to make annual appropriations in future fiscal years in amounts sufficient to make all payments due under the Note pursuant to the Support Agreement to the extent such payments are not made when due by the Authority and hereby recommends that future City Councils do likewise during the term of the Note.

5. All other acts of the City Manager, Mayor or Vice- Mayor of the City Council and other officers of the City that are in conformity with the purposes and intent of this resolution and in furtherance of the plan of financing, the issuance and sale of the Note and the financing of the Equipment are hereby approved, ratified and confirmed.

6. Nothing in this Resolution or the Support Agreement, the Note or any related documents shall constitute a debt or a pledge of the faith and credit or the taxing power of the City with respect to any sums which are or may become payable under the Support Agreement. All obligations of the City and the City Council under the Support Agreement are subject to and

dependent upon annual appropriation of funds by the City Council, and the City Council shall have no legally binding obligation under this resolution or in the Support Agreement to make any such appropriation or the payments provided for in the Support Agreement, the Support Agreement being a statement only of the present intent of the City Council.

7. This resolution shall take effect immediately.

Approved:

Mayor

Attest

City Clerk

Approved as to
Form and Legal Sufficiency:

City Attorney

PASSED AND ADOPTED this ____ day of _____, 2025.

The Resolution set forth above was adopted during an open meeting at a regular meeting of the City Council of the City of Danville, Virginia, held on _____, 2025, all in accordance with law, by the following votes:

AYES:

NAYS:

ABSENT:

ABSTENTIONS:

Clerk
City Council
City of Danville, Virginia

SUPPORT AGREEMENT OF THE CITY OF DANVILLE, VIRGINIA

THIS SUPPORT AGREEMENT, dated as of the ____ day of _____, 2025, by and between the City Council of the **City of Danville, Virginia**, a political subdivision of the Commonwealth of Virginia (**the “City”**) and the **Industrial Development Authority of City of Danville, Virginia**, a public body corporate of the Commonwealth of Virginia (**the “Authority”**), recites and provides as follows.

RECITALS

1. The Authority was created under the Industrial Development and Revenue Bond Act (§15.2-4900 *et seq.*) of the *Code of Virginia*, 1950, as amended, to promote industry and develop trade.

2. In order to induce the Virginia Small Business Financing Authority (**“VSBFA”**) to refinance existing indebtedness of the Authority owing to Union Bank incurred in connection with commercial property located at 1350 Barker Road, Ringgold, Virginia (**the “Project”**), and to provide additional financing for approved Project renovations and more particularly described in the Agreement (as defined below), the Authority has obtained a commitment from VSBFA to lend up to \$2,981,534.00 (**the “Loan”**) to the Authority pursuant to a loan agreement (**the “Loan Agreement”**), and as part of that commitment and as part of the security for the Loan, the VSBFA has required the City to enter into this Support Agreement (**this “Agreement”**).

3. The Loan is to be evidenced by a promissory note (**the “Note”**) executed by the Authority and held by the VSBFA.

AGREEMENT

NOW, THEREFORE, for and in consideration of the premises, the promises and mutual benefits to be derived by the parties from entering into this Agreement and other good and valuable consideration, the receipt and sufficiency of which are hereby acknowledged, the parties hereto covenant and agree as follows.

1. The Authority has acquired an ownership interest in the Project. In the event the Authority is unable to fulfill its debt service obligations to the VSBFA under the Note and the Loan Agreement, the Authority shall request an appropriation from the City to the Authority sufficient to allow the Authority to make current payments on the Note (**the “Deficiency Amount”**) to protect and maintain the Authority’s interest in the Project.

2. No later than May 15 of each year, beginning May 15, 2025, the Authority shall notify the City Manager of the City (**the “City Manager”**) of the Deficiency Amount, if any, which the Authority desires the City to pay to the Authority in accordance with Section 1 above during the City’s fiscal year beginning the following July 1.

3. The City Manager shall include such Deficiency Amount requested pursuant to Section 2 above in his budget submitted to the City Council of the City (**the “City Council”**) for the following fiscal year as an amount to be appropriated to or on behalf of the Authority. The City Manager shall deliver to the Chairman of the Authority within ten days after the adoption of the City’s budget for each fiscal year, but not later than July 15 of each year, a certificate stating whether the City Council has appropriated to or on behalf of the Authority the Deficiency Amount requested.

4. If at any time the Authority believes there is a Deficiency Amount, the Authority shall notify the City Manager of the amount of the Deficiency Amount and the City Manager shall request a supplemental appropriation from the City Council in the amount necessary to make such payment.

5. The City Manager shall present each request for appropriation pursuant to paragraph 4 above to the City Council, and the City Council shall consider such request, at the City Council’s next regularly scheduled meeting at which it is possible to satisfy any applicable notification requirement. Not later than five (-5) business days after such meeting, the City Manager shall notify the Authority as to whether the amount so requested was appropriated. If the City Council shall fail to make any such appropriation, the City Manager shall add the amount of such requested appropriation to the amount requested from the Authority and reported to the City by the City Manager for the City’s next fiscal year.

6. The City Council hereby undertakes a non-binding moral obligation to appropriate such amounts as may be requested from time to time pursuant to paragraphs 3, 4 and 5 above, to the fullest degree and in such manner as is consistent with the Constitution and laws of the Commonwealth of Virginia. The City Council, while recognizing that it is not empowered to make any binding commitment to make such appropriations in future fiscal years, hereby states its intent to make such appropriations in future fiscal years, and hereby recommends that future City Councils do likewise.

7. For and in consideration of VSBFA making the Loan to the Authority and the Company, and to further secure the repayment of the Note and the Loan, the Authority hereby assigns, grants and conveys to VSBFA all of its right, title and interest, now existing or hereafter arising, in and to all moneys received from the City pursuant to the provisions of this Agreement. The Authority and the City shall make, execute and deliver any papers, instruments and documents that may be required by VSBFA to effectuate the purpose intended by this assignment. The Authority waives any right, legal or equitable, now existing or hereafter arising, to offset against, attach, levy upon, enjoin or otherwise delay the payment of such moneys hereby assigned on account of any claim or obligation between the Authority and the City.

8. If any clause, provision, or paragraph of this Agreement shall be held illegal or invalid by a court, the illegality or invalidity of such clause, provision, or paragraph shall not affect any of the remaining clauses, provisions, or paragraphs hereof, and this Agreement shall be construed and enforced as if such illegal or invalid clause, provision, or paragraph had not been contained herein. In case any question should arise as to whether any provision contained herein shall be in violation of law, then such provision shall be construed to the agreement of the parties

hereto to the fullest extent permitted by law.

9. The City shall provide the VSBFA with the City's audited annual financial statements when available.

10. Nothing herein contained is or shall be deemed to be a lending of the credit of the City to the Authority or to any other person or entity, and nothing herein contained is or shall be deemed to be a pledge of the faith and credit or the taxing power of the City, nor shall anything herein contained legally bind or obligate the City Council to appropriate funds for the purposes described herein.

11. Any notices or requests required to be given hereunder shall be deemed given if sent by registered or certified mail, postage prepaid, addressed (i) if to the City, to City Manager's Office, PO Box 3300, Danville, Virginia 24543, and (ii) if to the Authority, to City Attorney's Office, PO Box 3300, Danville, Virginia 24543, Attention: Chairman. Any party may designate any other address for notices or requests by giving notice.

12. It is the intent of the parties hereto that this Agreement shall be governed by the laws of the Commonwealth of Virginia. This Agreement may be executed in any number of counterparts, each of which shall be deemed to be an original, and all of which together shall constitute but one and the same instrument.

[Signature page to follow]

IN WITNESS WHEREOF, the City and the Authority have caused this Agreement to be executed in their names and on their behalves as of the date first above written.

CITY OF DANVILLE, VIRGINIA

By: _____
City Manager, City Council

**INDUSTRIAL DEVELOPMENT AUTHORITY
OF THE CITY OF DANVILLE, VIRGINIA**

By: _____
Chairman

Attest:

Secretary, Industrial Development Authority
of the City of Danville, Virginia

The undersigned authorized representative of VSBFA has executed this Agreement on its behalf as of the date first written above for the sole purpose of accepting the assignment to it made therein.

**VIRGINIA SMALL BUSINESS
FINANCING AUTHORITY**

By: _____
Name: Linda Kay Tackett
Title: Regional Lending Manager