



## DANVILLE CITY COUNCIL REGULAR MEETING AGENDA

### MUNICIPAL BUILDING

April 7, 2026

7:00 PM

**PRESIDING:** Alonzo L. Jones, Mayor

**CITY COUNCIL MEMBERS:** James B. Buckner, Vice Mayor  
L.G. "Larry" Campbell, Jr.  
Bryant Hood  
Daniel W. Marshall, III

Barry P. Mayo  
Dr. Gary P. Miller  
Sherman M. Saunders  
J. Lee Vogler, Jr.,

**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](http://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 - JAMES B. BUCKNER

## PLEDGE OF ALLEGIANCE TO THE FLAG

## CONSENT AGENDA

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

## PUBLIC HEARING

A. Consideration of Approval of Minutes from Regular Council Meeting held on March 3, 2026.

B. Consideration of Amending the Fiscal Year 2026 Budget Appropriation Ordinance for a Grant and Loan from the Virginia Tobacco Region Revitalization Commission for the Natural Gas Pipeline Extension to the Southern Virginia Megasite at Berry Hill.

Council Letter Number CL - 2571.

An Ordinance Amending the Fiscal Year 2026 Budget Appropriation Ordinance to Provide for a Virginia Tobacco Region Revitalization Commission \$459,000 Grant and \$2,000,000 Loan to Assist with the City's Natural Gas Pipeline Extension to the Southern Virginia Mega Site at Berry Hill.

**Final Adoption**

C. Consideration of Amending the Fiscal Year 2026 Budget Appropriation Ordinance for State Aviation Capital Funding.

Council Letter Number CL - 2593.

An Ordinance Amending the Fiscal Year 2026 Budget Appropriation Ordinance to Provide for State Aviation Capital Grant Funding to Complete a Site Preparation Construction Project at the Danville Regional Airport in the Amount of \$993,760 and for the Local Share in the Amount of \$110,418 for a Total of \$1,104,178 and Appropriating the Same.

**Final Adoption**

## NEW BUSINESS

A. Consideration of a Special Use Permit Application filed by the Industrial Development Authority for a Waiver to Maximum Sign Area at Parcel 21322 (Memorial Drive).

Council Letter Number CL - 2601.

1. Public Hearing

2. An Ordinance of the Council of the City of Danville, Virginia Granting Special Use Permit Application PZ26-00191 filed by the Industrial Development Authority for a Waiver to Maximum Sign Area at Parcel ID #21322 (Memorial Drive).

B. Consideration of a Special Use Permit Application filed by Blackstone Building Group, LLC to Allow a Waiver of Lot Frontage Requirements at Vandola Road, Riverside Drive and Kayewood Lane.

Council Letter Number CL - 2636.

1. Public Hearing
2. A Resolution Denying Special Use Permit Application PZ25-00424, filed by Blackstone Building Group, LLC, Requesting a Special Use Permit to Allow a Waiver of Lot Frontage Requirements in Accordance with Chapter 41.2.F of the Code of the City of Danville Virginia, 1986, As Amended, at Parcel IDS 78585, 77925, 71138, 77918, 77919, 77920, 77921 and 77922 in the MR, Multi-Unit Residential Zone; or
3. An Ordinance Granting Special Use Permit Application PZ25-00424 filed by Blackstone Building Group, LLC, to Allow a Waiver of Lot Frontage Requirements in Accordance with Chapter 41.2.F of the Code of the City of Danville Virginia, 1986, As Amended, at Parcel IDS 78585, 77925, 71138, 77918, 77919, 77920, 77921 and 77922 (Vandola Road and Kayewood Lane) in the MR Multi-Unit Residential Zone.

C. Consideration of a Special Use Permit Application filed by Da Ville Management LLC to Allow Indoor Commercial Recreation at 401 South Ridge Street.

Council Letter Number CL - 2600.

1. Public Hearing
2. An Ordinance of the Council of the City of Danville, Virginia Granting Special Use Permit PZ26-00194 filed by Da Ville Management LLC to Allow Indoor Commercial Recreation at Parcel 22399 (401 South Ridge Street); OR
3. A Resolution of the Council of the City of Danville, Virginia Denying Special Use Permit PZ26-00194 filed by Da Ville Management LLC to Allow Indoor Commercial Recreation at Parcel ID #22399 (401 South Ridge Street).

D. Consideration of Code Amendment Request filed by the City of Danville to Amend Chapter 41 entitled "CODE Danville, The Unified Development Code of Danville, Virginia" specifically, Amend Article 8 "Administration and Procedures".

Council Letter Number CL - 2610.

1. Public Hearing
2. An Ordinance of the Council of the City of Danville, Virginia Amending Chapter 41 Entitled "Code Danville, The Unified Development Code Of Danville, Virginia" of the Code of the City of Danville, Virginia, 1986, As Amended, More Specifically Amending Article 8 Entitled "Administration and Procedures".

E. Consideration of a Code Amendment Request filed by the City of Danville to Amend Chapter 41 entitled "CODE Danville The Unified Development Code of Danville, Virginia" specifically, amend Article 7 "Subdivisions".

Council Letter Number CL - 2536.

1. Public Hearing
2. An Ordinance Repealing in its Entirety Chapter 35.5, Entitled "Subdivision Code", of the Code of the City of Danville, Virginia, 1986, As Amended, and Adopting Chapter 41 Entitled "Code Danville, The Unified Development Code of Danville, Virginia" Article 7 Entitled "Subdivisions".

F. Consideration of Amending and Reordaining Chapter 2 of the Danville City Code and Repealing Sections of Various Other Chapters.

Council Letter Number CL - 2607.

An Ordinance of the Council of the City of Danville, Virginia Repealing and Reordaining in its Entirety Chapter 2, Entitled "Administration", and Repealing Sections of Chapters 1.5, 4, 6, 8, 9, 18, 23, 25, 27, 32, 35, and 39, of the Code of the City of Danville, Virginia, 1986, As Amended.

## **COMMUNICATIONS FROM VISITORS**

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## **COMMUNICATIONS**

*A. City Manager*

*B. Deputy City Manager*

*C. Assistant City Manager Adkins*

*D. Assistant City Manager Evans*

*E. City Attorney*

*F. City Clerk*

*G. Roll Call*

## **ADJOURNMENT**

**Council Letter**  
**City of Danville, Virginia**



**CL - 2649**

**CONSENT AGENDA A.**

**City Council REGULAR MEETING**

**Meeting Date:** April 7, 2026

**Subject:** Approval of Meeting Minutes.

**From:** Susan DeMasi, City Clerk

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**COUNCIL ACTION**

Consideration of Approval of Minutes from Regular Council Meeting held on March 3, 2026.

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**Attachments**

1. Meeting Minutes
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March 3, 2026

The Regular March meeting of the Danville City Council was held on March 3, 2026, 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., Mayor Alonzo L. Jones, Bryant Hood, Daniel W. Marshall, Barry P. Mayo, Sherman M. Saunders, and J. Lee Vogler, Jr. (8). Gary P. Miller was absent (1).

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

Mayor Jones presided.

### **INVOCATION AND PLEDGE OF ALLEGIANCE**

Council Member Sherman M. Saunders gave the Invocation followed by the Pledge of Allegiance.

### **ANNOUNCEMENTS AND SPECIAL RECOGNITIONS**

Chief Wiles noted he was here regarding the news that was sent out earlier this week on a reduction in crime, a forty-year low. Chief Wiles introduced his Command Staff: Deputy Chief Tim Jones, Assistant Chief of Operations David Whitley, Assistant Chief of Services Steve Richardson, Officer Dalton and Officer Gobb that were there providing security. Chief Wiles noted the information sent out compared 2025 to 2024, and overall, they saw an 8% reduction across all of their major crime categories. There were only three murders last year compared to nine the previous year, 85 aggravated assaults, dropping from 111 the previous year, and of those aggravated assaults, the percentage of those that were gun related had a reduction of over 30%. Robberies, another violent crime, had a significant decline going down from 22 to 15 last year. The police department has a 100% clearance rate on the homicides from last year, and aggravated assaults had an over 85% clearance rate compared to the 50% national average. Property crimes showed a significant decrease with a 6% reduction over the previous year, with an over 40% clearance rate on those burglaries. Overdoses saw a significant decline in 2025 with 19 documented overdoses they were aware of, eight of which were fatalities. In 2023, the City had 19 fatalities from opioids, primarily fentanyl, with 100 overdoses. Chief Wiles noted they know that crime rises and falls in communities across the nation for various reasons including socio-economic variables outside the control of the police department. As for Danville, the credit for all the positive momentum throughout the community goes to the united focus of the City Council, City Manager and the rest of his leadership team in increasing economic opportunities and delivering excellence in service. It goes to those businesses and stakeholders making investments in the communities and the outstanding performance of the schools. As for the police department, the credit goes all the way around, the success comes from the men and women of that agency: the patrol officers on the front lines, the highly skilled investigators, professional staff members and the leadership team. Chief Wiles noted credit also goes to the close partnerships with their community members, sharing information and working to build relationships before something bad happens. Credit also goes to their regional, state and federal law enforcement partners for bringing their expertise and resources, and to other community stakeholders invested in improving the community. Together they will continue to work to ensure Danville was safe for all and thanked Council for their support. Council members congratulated Chief Wiles on the great report, the Police Department's dedication to service, leadership, and commended them on their teamwork.

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Mayor Jones noted the Parks and Recreation Holiday Show was named as the best Outreach Program at the 2026 ShowFest Conference, and recognized Bill Sgrinia Director of Parks and Recreation. Parks and Recreation also took top honors for best print media at the 2026 ShowFest Conference. The Danville Office of Economic Development and Tourism was recognized with five marketing and communication awards at the 2026 Public Relations Society of America, Blue Ridge Awards.

### **CONSENT AGENDA**

Council Member Vogler **moved** to pull Agenda Item B from the Consent Agenda. The Motion was **seconded** by Rev Campbell.

Mr. Vogler noted he discussed this at the last meeting; it was a grant but it was also asking the City to put in \$40,000 to do a study that was similar to one done several years ago. That study told the City they could put millions of dollars into the City auditorium and it was never going to be feasible for the type of traveling theatre productions or things found at a DPAC or a Tangier's Center. Mr. Vogler noted he was in a favor of a performing arts center in Danville, and would like to have a study done on potential sites for that. Council Member Campbell stated the building was an historical building and the City has not yet talked about it in detail. There were several different concepts, one to demolish it or some for turning it into apartments. He hoped they could have a study on it. City Manager Ken Larking noted he appreciated what Mr. Vogler was saying; this study's focus would be on the City Armory but would also determine if it was feasible for a variety of art type uses. There was a secondary part which was if it wasn't good for certain uses, it could offer alternatives as well. They could focus it through the scope to look at alternatives if this one doesn't look like it would meet the needs of the community. The study that was done many years ago was to see what it would take to upfit the building; it was quite expensive to do that. This study was more encompassing for all the arts and the opportunities this building could have for various artistic endeavors. As part of this, staff could steer it toward if it doesn't meet the need for a particular use, how can they look at other places that would work as well.

### **Minutes on the Consent Agenda**

Upon **Motion** by Vice Mayor Buckner and second by Council Member Marshall, the Minutes of the Regular Council Meeting held on February 3, 2026, were approved as presented. Draft copies of the minutes had been distributed prior to the meeting.

### **Consent Agenda Item B.**

### **Consideration of Amending the Fiscal Year 2026 Budget Appropriation Ordinance for a Grant from the National Endowment for the Arts.**

Mr. Vogler **moved** to vote down Consent Agenda Item B. The Motion was **seconded** by Council Member Marshall.

Mayor Jones noted this was to vote down Item B; a yes vote will be to vote down this item.

An Ordinance entitled, Ordinance No. 2026-02.04, An Ordinance of the Council of the City of Danville, Virginia Amending the Fiscal Year 2026 Budget Appropriation Ordinance by Increasing Revenue from the National Endowment for the Arts in the Amount of \$40,000 and to Provide for the Local Share in the Amount of \$40,000 for a Total of \$80,000 and Appropriating the Same.

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The **Motion** to vote down Item B failed by the following vote:

VOTE: 3-5-1  
AYE: Hood, Marshall, Vogler (3)  
NAY: Buckner, Campbell, Jones,  
Mayo, and Saunders (5)  
ABSENT: Miller (1)

### **APPOINTMENTS**

Vice Mayor Buckner noted the Committee on Appointments make the following recommendations for appointments to be voted on at the March 17<sup>th</sup> meeting:

Southern Area Agency on Aging:	Appoint:	Kitteria Mayo
Architectural Review Board:	Appoint:	Matthew Bailey Christopher Betts Jamie Cahill Adam Jones Lauren Smith Robert Stowe Jackson Weller
Public Arts Commission:	Appoint:	Joshua Cassell Melanie Holley Kelly Hood Sam Kushner Gretchen Lamb Stacey Strawn James Buckner (Council)

### **NEW BUSINESS**

#### **CONSIDERATION OF AN APPLICATION REQUESTING AN AMENDMENT TO THE ZONING MAP AT EASTWOOD DRIVE FILED BY MAJOR CONSTRUCTION**

Mayor Jones opened the floor for a Public Hearing regarding an Amendment to the Zoning Map at Eastwood Drive. Notice of the Public Hearing was published in the *Danville Register & Bee* on February 17, 2026, and February 24, 2026.

Mayor Jones recognized Cabell Barrow, an attorney representing Major Construction seeking rezoning of what was formerly three parcels off Eastwood Drive. The subject property was in a cul-de-sac which was a partially residential and partially industrial street. Major Construction purchased the property a few years ago; it will allow Major Construction to relocate their construction business in Danville to allow them to better serve the City of Danville. The majority of their work takes place in Danville on behalf of the City, including sidewalk and road improvements. Mr. Barrow noted there were conditions added to the application such as having natural vegetative buffers on the boundary lines. Major Construction has a relatively small fleet of vehicles, and they proposed that commercial activity be restricted to minimize noise, light and traffic, restricting the number of dump trucks and traffic to two dump trucks, and limiting lights on

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the facility to face inward, limiting the overall footprint of the commercial development of the property to five acres of the overall 28 acres.

Mayor Jones recognized Frank Leist who stated the turn into Eastwood Drive could be a difficult intersection to get out of at peak times; increased traffic was one concern. Also, Eastwood Drive was a tighter street, it was not the normal width. CDL dump trucks might be a hazard on that road, and asked if it was wide enough for commercial traffic. No one further desired to be heard and the Public Hearing was closed.

Mayor Jones asked Director of Planning Renee Burton the City's position on this and the traffic on Eastwood. Ms. Burton noted this was discussed with the applicant during the application process as well as with Engineering who looked at the road; they believed it was adequate for the operation with the limited scope they have provided with the conditions and proffers.

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

**ORDINANCE NO. 2026-03.01**

AN ORDINANCE AMENDING THE FUTURE LAND USE MAP FROM RURAL NEIGHBORHOOD AND CONSUMER COMMERCIAL TO CONSUMER COMMERCIAL AND AMENDING THE ZONING MAP FROM TR, TRANSITIONAL RESIDENTIAL ZONE, TO CHB, "CONDITIONAL" HIGHWAY BUSINESS ZONE AT PARCELS #76469, #76463, AND #77642 (EASTWOOD DRIVE).

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

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

**CONSIDERATION OF A SPECIAL USE PERMIT FILED BY CCKW LLC TO AMEND THE EXISTING PLANNED UNIT DEVELOPMENT ON FRANKLIN STREET**

Mayor Jones opened the floor for a Public Hearing regarding a Special Use Permit on Franklin Street. Notice of the Public Hearing was published in the *Danville Register & Bee* on February 17, 2026, and February 24, 2026.

Mayor Jones recognized Kevin Shotwell with CCKW, and Cliff Walden and Wilton Walden, who were there asking to amend the rezoning they had previously. They have done several townhouses and struggled to sell them at the price point they were at. They have other properties in other areas; they were stacking units and making them more affordable. Their price point was going to be \$189,000 and \$199,000; they call them one over one condos. There was a condo association with a unit on the top and a unit on the bottom. They were asking the zoning to be switched from ten to twenty units. They reached out to Engineering and the parking was adequate for this project.

Mayor Jones recognized Frank Leist who noted this was a great idea as long as they had adequate parking. Franklin Street was closer to the River District Area, where they would like to bring more people to. No one further desired to be heard and the Public Hearing was closed.

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

**ORDINANCE NO. 2026-03.02**

AN ORDINANCE GRANTING SPECIAL USE PERMIT APPLICATION PZ25-00613 FILED BY CCKW LLC, TO AMEND SPECIAL USE PERMIT FOR PLANNED UNIT DEVELOPMENT PZ23-00388, TO INCREASE THE NUMBER OF PERMITTED RESIDENTIAL DWELLING UNITS FROM TEN (10) TO TWENTY (20) AT PARCEL IDS #23319, #24941, #20637, AND #25236 (FRANKLIN STREET)

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

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

**CONSIDERATION OF A SPECIAL USE PERMIT APPLICATION FILED BY THE DANVILLE HOTEL GROUP, LLC AT 1080 RIVERSIDE DRIVE**

Mayor Jones opened the floor for a Public Hearing regarding a Special Use Permit at 1080 Riverside Drive. Notice of the Public Hearing was published in the *Danville Register & Bee* on February 17, 2026, and February 24, 2026.

Mayor Jones recognized Ryan Gatewood representing the Danville Hotel Group who noted this was a previous special use permit that was granted in early 2024. He was there requesting a change to that Special Use Permit to go from 55' to 66' for total height for the hotel. No one further desired to be heard and the Public Hearing was closed.

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

**ORDINANCE NO. 2026-03.03**

AN ORDINANCE GRANTING SPECIAL USE PERMIT APPLICATION PZ26-00085 FILED BY DANVILLE HOTEL GROUP, LLC FOR A WAIVER OF MAXIMUM PRINCIPAL BUILDING HEIGHT IN ACCORDANCE WITH CHAPTER 41.2.I AT PARCEL ID #02176 (1080 RIVERSIDE DRIVE)

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

Vice Mayor Buckner asked what the recommendation was at the Planning Commission meeting and Ms. Burton stated the recommendation was a unanimous approval. Council Member Vogler questioned what the height increase was going to facilitate and Mr. Gatewood explained the height increase facilitates all the architectural parapet walls and towers. These were brand items typically seen on a Home 2 Suites or a Tru Brand Hotel.

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

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

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ABSENT Miller (1)

**CONSIDERATION OF A SPECIAL USE PERMIT APPLICATION FILED BY WILLIAM JAMES TO ALLOW ADULT DAYCARE AT 401 NORTH MAIN STREET**

Mayor Jones opened the floor for a Public Hearing regarding a Special Use Permit at 401 North Main Street. Notice of the Public Hearing was published in the *Danville Register & Bee* on February 17, 2026, and February 24, 2026.

Mayor Jones recognized William James, a registered nurse in Danville and owner of River District Home Care. Mr. James noted there was an increase of elderly people coming into the City and caregivers were having to care for these elderly people who may have dementia, Alzheimer's and other issues. An Adult Day Center can help with support, daily meals, activities, companionship and also give the opportunity for employment and partnerships with transport. Mayor Jones recognized Tara Fitzgerald, a representative for River District Home Care on Arnett Boulevard, who stated they were a personal home care service, and with the adult day support they will be able to serve more than people that qualify just for personal care.

Mayor Jones recognized Frank Leist who questioned if they would accept adults with disabilities and Ms. Fitzgerald noted they would. Mr. Leist noted he thought this was a great opportunity. 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. 2026-03.04**

AN ORDINANCE GRANTING SPECIAL USE PERMIT APPLICATION PZ26-00152 FILED BY WILLIAM JAMES TO ALLOW ADULT DAYCARE IN ACCORDANCE WITH CHAPTER 41.3.A AT PARCEL ID #03429 (401 NORTH MAIN STREET)

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

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

**CONSIDERATION OF A SPECIAL USE PERMIT APPLICATION FILED BY CHRISTIAN SIMMONS TO ALLOW INDOOR COMMERCIAL RECREATION AT 601 CRAGHEAD STREET**

Mayor Jones opened the floor for a Public Hearing regarding a Special Use Permit at 601 Craghead Street. Notice of the Public Hearing was published in the *Danville Register & Bee* on February 17, 2026 and February 24, 2026.

Mayor Jones recognized Christian Simmons, applicant, who noted they were opening a bicycle and skateboard shop at 601 Craghead and they want to build some ramps for a skatepark in the building.

Mayor Jones recognized Mr. Pernell who spoke in favor of the indoor skate park and the benefits of skateboarding.

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Major Jones recognized Frank Leist who asked if the Planning Commission put a provision on this where they couldn't skate after 8:00 p.m. Mr. Leist noted he was in favor of the indoor skatepark, and he believed the City should follow the noise ordinance for 10:00 p.m. 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. 2026-03.05**

AN ORDINANCE GRANTING SPECIAL USE PERMIT APPLICATION PZ26-00096 FILED BY CHRISTIAN SIMMONS TO ALLOW INDOOR COMMERCIAL RECREATION IN ACCORDANCE WITH CHAPTER 41.3.A AT PARCEL ID #24279 (601 CRAGHEAD STREET)

The Motion was **seconded** by Vice Mayor Buckner.

Mayor Jones questioned Mr. Simmons on the hours of operation. Mr. Simmons noted they were planning on doing 10:00 a.m. – 7:00 p.m. on weekdays and on Friday and Saturday will be 10:00 a.m. to 10:00 p.m.

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

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

**CONSIDERATION OF THE ACCEPTANCE OF A DEED OF GIFT FROM DANVILLE LIFE SAVING AND FIRST AID CREW**

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

**RESOLUTION NO. 2026-03.01**

A RESOLUTION OF THE COUNCIL OF THE CITY OF DANVILLE, VIRGINIA APPROVING AND AUTHORIZING THE ACCEPTANCE OF REAL PROPERTY IDENTIFIED AS PARCEL #74462 LOCATED ON SOUTH BOSTON ROAD FROM THE DANVILLE LIFE SAVING AND FIRST AID CREW, INCORPORATED, IN ACCORDANCE WITH THE CURRENT MEMORANDUM OF UNDERSTANDING BETWEEN SAID AGENCY AND THE CITY OF DANVILLE

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

Council Member Marshall questioned why the Danville Life Saving Crew was giving the land to the City and City Manager Ken Larking explained as part of the Memorandum of Understanding, the City contributed the vast majority of the cost for the project. In exchange for the City providing all that funding, they agreed to provide the property to the City for ownership. If at some point in the future, it was needed for City purposes because the Danville Life Saving Crew did not exist, it provided a space for the City to continue that activity.

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

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

**CONSIDERATION OF A LEASE AGREEMENT WITH DANVILLE LIFE SAVING AND FIRST AID CREW, INCORPORATED**

Mayor Jones opened the floor for a Public Hearing regarding a Lease Agreement with Danville Life Saving Crew. Notice of the Public Hearing was published in the *Danville Register & Bee* on February 24, 2026.

Mayor Jones recognized Steven Gould, the attorney representing the Danville Life Saving Crew with both the preparation of the Deed of Gift and also the drafting of the Deed of Lease. As the MOU indicates, this lease was intended to be consistent with the terms of the existing lease with the City and the Crew for the Northside Station off Piney Forest Road. He was available to answer any questions. No one further desired to be heard and the Public Hearing was closed.

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

**RESOLUTION NO. 2026-03.02**

A RESOLUTION OF THE COUNCIL OF THE CITY OF DANVILLE, VIRGINIA APPROVING AND AUTHORIZING A NEGOTIATED LEASE AGREEMENT WITH DANVILLE LIFE SAVING AND FIRST AID CREW, INCORPORATED FOR THE OPERATION OF EMERGENCY MEDICAL, AMBULANCE, AND RESCUE SERVICES AT 1024 SOUTH BOSTON ROAD

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

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

**CONSIDERATION OF AN ORDINANCE TO ISSUE REVENUE BONDS FOR UTILITY SYSTEM IMPROVEMENTS**

Mayor Jones opened the floor for a Public Hearing regarding Issuance of Revenue Bonds for Utilities. Notice of the Public Hearing was published in the *Danville Register & Bee* on February 10, 2026, and February 17, 2026.

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

**ORDINANCE NO. 2026-03.06**

AN ORDINANCE OF THE COUNCIL OF THE CITY OF DANVILLE, VIRGINIA AUTHORIZING THE ISSUANCE OF BONDS OF THE CITY OF DANVILLE, VIRGINIA, IN THE MAXIMUM AGGREGATE PRINCIPAL AMOUNT OF \$10,000,000 TO FINANCE VARIOUS

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## EXPENDITURES FOR ITS UTILITY SYSTEM

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

## **CONSIDERATION OF AMENDING THE FISCAL YEAR 2026 BUDGET APPROPRIATION ORDINANCE FOR GRANT FUNDS FROM THE US DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT**

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

### **ORDINANCE NO. 2026-03.07**

AN ORDINANCE OF THE COUNCIL OF THE CITY OF DANVILLE, VIRGINIA AMENDING THE FISCAL YEAR 2026 BUDGET APPROPRIATION ORDINANCE FOR PROJECTS TO BE OR BEING UNDERTAKEN TO IMPROVE THE DANVILLE COMMUNITY FINANCED WITH COMMUNITY DEVELOPMENT BLOCK GRANT, HOME INVESTMENT PARTNERSHIP FUNDS FROM THE U.S. DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT, AND ESTIMATED PROGRAM INCOME FOR A TOTAL APPROPRIATION OF \$1,199,074.29

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

## **COMMUNICATIONS FROM VISITORS**

Mayor Jones recognized Alex Berrara who discussed losing his job, feeling violated by the State, his civil rights, would like to get an ordinance passed to save his business and career, and barring that to abolish the Police. He did not feel it was right to shut down a business for puritan reasons going off shaky law.

## **COMMUNICATIONS**

City Manager Ken Larking noted the Council Retreat was Friday, March 13<sup>th</sup> at the new Economic Development office at Dan River Falls. The retreat starts at 9:00 a.m. and tours were being offered of both the Economic Development Office and the Parks & Recreation Offices beginning at 8:00 a.m. The retreat will be from 9:00 a.m. to 3:00 p.m. There were no communications from the Deputy City Manager, Assistant City Managers, City Attorney or City Clerk.

Council Member Campbell noted last week was the first session of Stay in the Game for men's health with a very good turnout and interest. Rev Campbell noted he was glad to see Chris Joy in Chambers and the statistics from the Police Department enhance the quality of the City of Danville.

Council Member Hood noted yesterday he accompanied School Board Vice Chair Kasey Cunningham to Activ8 STEM Academy to read to fifth graders. While they were there Mellissa Berkley shared some information with him, noting 4<sup>th</sup> and 5<sup>th</sup> graders and Middle School 6<sup>th</sup> and 7<sup>th</sup> graders placed first in the Reading Bowl which was sponsored by the Ruby Archie Library. Mr. Hood noted the crime report was great and the City had a lot to be proud of.

Council Member Marshall noted he wanted to recognize a friend in the General Assembly that passed away last week, who had ties to Danville. He was involved in writing the legislation for

March 3, 2026

the casinos, represented the five delegates that were involved in getting the casinos and he negotiated on their behalf. Delegate Barry Knight passed away after a battle with cancer.

Council Member Mayo noted it good to see Gwyn Stone in Chambers, and stated he enjoyed reading to the second graders at Woodberry. There were so many things happening in Danville including the new skateboard park and housing; Danville was growing.

Council Member Saunders noted to Chief Wiles and his department, it was an excellent report tonight. Mr. Saunders noted he was proud of the City, with so many good things happening and more things on the way. Mr. Saunders noted his appreciation of the Council Members and working with them, and the Mayor's leadership.

Council Member Vogler stated he had a great time reading to the second graders at Forest Hills yesterday. Mr. Vogler noted it was a great meeting tonight, with the excellent news from the Police Department, the discussions on different topics, and appreciated the citizens of the City.

Vice Mayor Buckner noted Council chose three strategic goals to move the City forward, and the forty-year low in crime was amazing. The City was growing and was in great financial condition due to the team the City Manager has surrounded himself with.

Mayor Jones noted he enjoyed reading at Woodberry Hills, the students participated, did an outstanding job and thanked Dr. Hairston. Mayor Jones noted his appreciation of Council Members Saunders' Invocation and his message of Peace.

MEETING ADJOURNED AT 8:23 P.M.

APPROVED:

\_\_\_\_\_  
MAYOR

ATTEST:

\_\_\_\_\_  
CITY CLERK

**Council Letter  
City of Danville, Virginia**



**CL - 2571**

**CONSENT AGENDA B.**

**City Council REGULAR MEETING**

**Meeting Date:** April 7, 2026

**Subject:** Amending the Fiscal Year 2026 Budget Appropriation Ordinance for a Grant and Loan from the Virginia Tobacco Region Revitalization Commission.

**From:** Jason Grey, Director of Utilities

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**COUNCIL ACTION**

An Ordinance Amending the Fiscal Year 2026 Budget Appropriation Ordinance to Provide for a Virginia Tobacco Region Revitalization Commission \$459,000 Grant and \$2,000,000 Loan to Assist with the City's Natural Gas Pipeline Extension to the Southern Virginia Mega Site at Berry Hill.

***Final Adoption***

**SUMMARY**

The City was awarded a \$459,000 grant and \$2,000,000 loan by the Virginia Tobacco Region Revitalization Commission to fund the engineering and construction of the 3.5 mile natural gas pipeline from the City's gas infrastructure to the Southern Virginia Megasite at Berry Hill. The City received a separate Virginia Economic Development Partnership grant to fund the construction of this extension. Staff expects the engineering to be completed by May and that construction to start in July 2026.

**BACKGROUND**

The City has been working with Southwestern Virginia Gas (SWVG) in partnering to bring natural gas service to the Southern Virginia Megasite at Berry Hill. The City plans to transport natural gas from the William Transcontinental pipeline to SWVG to be able to serve Microporous and other tenants inside the industrial park.

**RECOMMENDATION**

Staff recommends that City Council adopt an ordinance Amending the Fiscal Year 2026 Budget Appropriation Ordinance in the amount of \$459,000 grant funds and \$2,000,000 loan loans from the Virginia Tobacco Region Revitalization Commission to fund the engineering and construction costs associated with the natural gas pipeline to the Southern Virginia Megasite at Berry Hill.

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**Attachments**

1. Ordinance
  2. Grant Agreement
-

PRESENTED: \_\_\_\_\_

ADOPTED: \_\_\_\_\_

ORDINANCE NO. 2026\_\_\_\_.

AN ORDINANCE AMENDING THE FISCAL YEAR 2026 BUDGET APPROPRIATION ORDINANCE TO PROVIDE FOR A VIRGINIA TOBACCO REGION REVITALIZATION COMMISSION \$459,000 GRANT AND \$2,000,000 LOAN TO ASSIST WITH THE CITY'S NATURAL GAS PIPELINE EXTENSION TO THE SOUTHERN VIRGINIA MEGA SITE AT BERRY HILL.

NOW THEREFORE, BE IT ORDAINED by the Council of the City of Danville, Virginia, that the Fiscal Year 2026 Budget Appropriation Ordinance be, and the same is hereby, amended by increasing revenues for in the amount of \$2,459,000 from the Virginia Tobacco Region Revitalization in the form of a \$459,000 grant and \$2,000,000 Loan, such funds to be appropriated in the Utility Gas Capital Project fund as follows:

**ANTICIPATED REVENUES**

<u>Description</u>	<u>Account No.</u>	<u>Amount</u>
Southern Virginia Megasite at Berry Hill Natural Gas Extension		
Virginia Tobacco Region Revitalization Commission Grant	62094000-46010	\$ 459,000
Virginia Tobacco Region Revitalization Commission Loan	62094000-44045	\$ 2,000,000
	<b>TOTAL</b>	<u>\$ 2,459,000</u>

**ANTICIPATED EXPENDITURES**

<u>Description</u>	<u>Account No.</u>	<u>Amount</u>
Southern Virginia Megasite at Berry Hill Natural Gas Extension	62094999-50	\$ 2,459,000

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

BE IT FINALLY ORDAINED that all other accounts and provisions of the Fiscal Year 2026 Budget Appropriation Ordinance, as amended, not hereby amended, shall continue in full force and effect unless and until hereafter further amended or repealed.

Approved:

\_\_\_\_\_  
Mayor

Attest:

\_\_\_\_\_  
City Clerk

Approved as to  
Form and Legal Sufficiency:

\_\_\_\_\_  
City Attorney

## GRANT AGREEMENT – RESTRICTED FUNDS

This Grant Agreement (this “Agreement”) made and entered into on the **22nd day of May, 2024** (the “Award Date”), by and between the **Tobacco Region Revitalization Commission**, a body corporate and political subdivision of the Commonwealth of Virginia (the “Commission”), **City of Danville** whose Federal Employer Identification Number is **546001243** (the “Grantee”), a political subdivision of the Commonwealth.

### WITNESSETH:

**WHEREAS**, the Virginia General Assembly created the Commission to, among other things, stimulate the economic growth and development of tobacco dependent communities in the Southern and Southwest regions (the “**Region**”) of the Commonwealth of Virginia (the “**Commonwealth**”), and

**WHEREAS**, the Grantee submitted an application, to the Commission for funding (the “**Application**”) to undertake the Project (as defined herein) entitled **Southern Virginia Megasite Natural Gas Gate Engineering and Permitting Loan**, and

**WHEREAS**, the Commission has determined that the Project benefits the Region and is consistent with and in furtherance of the Commission’s public purposes, and

**WHEREAS**, the Commission approved a grant to the Grantee in the amount of **\$459,000** (the “**Grant**”) to fund the Project, the approval and funding of such Grant the Commission has determined constitutes a valid public purpose for the expenditure of public funds and is the animating purpose for the Grant, and

**WHEREAS**, the parties desire to set forth their understanding and agreement as to the use of the Grant and the parties’ respective rights and obligations.

**NOW, THEREFORE**, in consideration of the foregoing, the mutual benefits, promises and undertakings of the parties to this Agreement, and other good and valuable consideration, the receipt and sufficiency of which are hereby acknowledged, the parties hereto hereby represent, warrant, covenant and agree as follows:

**1. Definitions.** In addition to terms defined in the Recitals and the body of this Agreement, the following capitalized terms used in this Agreement have the meanings set forth below:

“**Capital Expenditure**” means any cost of a type that is properly chargeable to capital account (or would be so chargeable with (or but for) a proper election or the application of the definition of “placed in service” under Treas. Regs. §1.150-2(c)) under general federal income tax principles, determined at the time the expenditure is paid.

**“Commission-Related Party”** means a Person that is a Related Party to the Commission, the Issuer or the Commonwealth.

**“Controlled Group”** means a group of entities controlled directly or indirectly by the same entity or group of entities within the meaning of this definition.

(i) The determination of direct control is made on the basis of all the relevant facts and circumstances. One entity or group of entities (the controlling entity) generally controls another entity or group of entities (the controlled entity) for purposes of this definition if the controlling entity possesses either of the following rights or powers and the rights or powers are discretionary and non-ministerial—

(A) The right or power both to approve and to remove without cause a controlling portion of the governing body of the controlled entity; or

(B) The right or power to require the use of funds or assets of the controlled entity for any purpose of the controlling entity.

(ii) If a controlling entity controls a controlled entity under the test set forth in paragraph (i) of this definition, then the controlling entity also controls all entities controlled, directly or indirectly, by the controlled entity or entities.

(iii) An entity is not a controlled entity under paragraph (i) of this definition if the entity possesses substantial taxing, eminent domain, and police powers. For example, a city possessing substantial amounts of each of these sovereign powers is not a controlled entity of the state (Commonwealth).

**“501(c)(3) Organization”** means any Person described in Section 501(c)(3) of the Tax Code and exempt from tax under Section 501(a) of the Tax Code.

**“Governmental Person”** means a state or local governmental unit as defined in Treas. Regs. § 1.103-1 or any instrumentality thereof. The federal government and its agencies and instrumentalities are not Governmental Persons.

**“Issuer”** means the Tobacco Settlement Financing Corporation, a public body corporate and an independent instrumentality of the Commonwealth.

**“Loan”** means any transaction that is generally characterized as a loan for federal income tax purposes. A Loan may arise from the direct lending of money or may arise from transactions in which indirect benefits that are the economic equivalent of a loan are conveyed within the meaning of Treas. Regs. § 1.141-5. Certain leases, management contracts and other contractual arrangements and certain prepayments for property or services may constitute Loans under Treas. Regs. § 1.141-5.

**“Person”** means any natural person, firm, joint venture, association, partnership, business trust, corporation, limited liability company, corporation or partnership, or any other entity (including a governmental entity).

“**Project Expenses**” means the expenditures to be paid by or on behalf of, or reimbursed to, the Grantee in connection with the Grant as set forth in the Project Budget.

“**Related Party**” means, in reference to a Governmental Person or a 501(c)(3) Organization, any Person that is a member of the same Controlled Group and, in reference to any Person that is not Governmental Person or a 501(c)(3) Organization, a Related Person.

“**Related Person**” shall have the meaning set forth in Section 144(a)(3) of the Tax Code. For purposes of Section 144(a)(3) of the Tax Code, a Person is a Related Person to another Person if—

(A) the relationship between such Persons would result in a disallowance of losses under Section 267 or 707(b) of the Tax Code, or

(B) such persons are members of the same controlled group of corporations (as defined in Section 1563(a) of the Tax Code, except that “more than 50 percent” shall be substituted for “at least 80 percent” each place it appears therein).

“**Tax Code**” means the Internal Revenue Code of 1986, as amended, and the applicable provisions of the regulations of the U.S. Department of Treasury promulgated thereunder.

“**Tobacco Bonds**” means the Tobacco Settlement Asset-Backed Bonds, Series 2005, which were issued by the Issuer on May 16, 2005, and have a stated final maturity date of June 1, 2037, and the Tobacco Settlement Asset-Backed Bonds, Series 2007 B, C, and D which were issued by the Issuer on May 3, 2007, and have a stated final maturity date of June 1, 2047.

“**Working Capital Expenditure**” means any cost that is not a Capital Expenditure. Generally, current operating expenses are Working Capital Expenditures.

**2. Source of Grant Funds; Reliance.** The Grantee represents that it understands that the Grant funds are derived from the proceeds of the Tobacco Bonds, the interest on which must remain excludible from gross income for federal income tax purposes (that is, “tax-exempt”) pursuant to both (i) Virginia law and (ii) contractual covenants made by the Commission, the Issuer and the Commonwealth for the benefit of the owners of the Tobacco Bonds. The Grantee further represents that (a) the undersigned authorized representative of the Grantee has been informed of the purpose and scope of Sections 103 and 141-150 of the Tax Code as they relate to the Tobacco Bonds and the Grant, and (b) the representations and warranties contained in this Section and throughout this Agreement can be relied on by the Commission, the Issuer and bond counsel for the Commission and Issuer in executing certain documents and rendering certain opinions in connection with the Tobacco Bonds.

**3. Nature of Grantee.** The Grantee represents that it is neither a Commission-Related Party nor an agent of the Issuer, the Commission or the Commonwealth. A true, correct and complete copy of the Grantee’s charter, articles of incorporation or similar governing instrument is attached hereto as **Exhibit D** and is in full force and effect on the date hereof. If the Grantee is a 501(c)(3) Organization, a copy of its IRS determination letter shall also be attached as part of **Exhibit D** hereto. The Grantee will not make any changes to its governing documents or structure, funding or operations during the term of the Tobacco Bonds that would or may cause the Grantee

to become a Commission-Related Party or an agent of the Issuer, the Commission or the Commonwealth.

**4. Project and Budget.** The Grantee will complete all actions described in **Exhibit A** and the Application (the “**Project**”), both of which are hereby incorporated by reference. In connection with the Project, the Grantee shall meet or exceed the deliverables described in Exhibit A (the “**Project Outputs**”). In the event the description of the Project or Project Outputs in the Application and Exhibit A conflict, Exhibit A will control.

The Grantee agrees to complete the Project within three years of the Award Date (the “**Grant Period**”). The Grant Period may be extended as provided in the Funding Policies (as defined herein).

The Grantee represents that the Grant funds and funds available from the other sources specified in the Project Budget (as defined herein) will be sufficient to cause the Project to be completed and agrees that the Commission makes no actual or implied promise to fund the Project except as provided herein.

The “**Project Budget**” is the budget included in **Exhibit B** that is attached hereto and incorporated by reference. The expenses for which the Grant will be used are identified in the Project Budget (“**Project Expenses**”). Upon the Commission’s request, the Grantee agrees to provide a detailed line item budget that more specifically identifies how the Grantee will expend the Grant for the Commission’s review and approval (“**Detailed Budget**”), and the Detailed Budget will replace the Project Budget. If requested, the Commission shall not disburse any portion of the Grant until it receives an acceptable Detailed Budget.

The Grantee agrees to use the Grant exclusively for Project Expenses without the prior written approval of the Executive Director of the Commission (the “**Executive Director**”) or his designee. The Grantee must incur all Project Expenses during the Grant Period and acknowledges that the Commission will rescind and de-obligate any remaining Grant proceeds.

The Grantee agrees that it may not make any material changes to the scope of the Project or to the Project Budget without obtaining the prior written approval of the Commission as provided in the Commission’s Funding Policies for Grant Awards that are hereby incorporated by reference (“**Funding Policies**”). The Commission’s approval must specifically set forth the accepted change(s). The Grantee acknowledges the Commission may update the Funding Policies from time to time and agrees to comply with the Funding Policies then in effect.

The Grantee agrees to provide a dollar-for-dollar match from non-Commission sources as required by Va. Code § 3.2-3103(A)(7) (“**Match**”) and that the Match must be consistent with the Funding Policies. The Executive Director or his designee must approve the Match. If the Project Budget does not identify an acceptable Match as of the Award Date, the Grantee must obtain the Match and provide satisfactory evidence thereof to the Commission within one year of the Award Date. The Grantee may make a written request for an extension for one or more years by demonstrating good cause for why it has not yet obtained the Match and explaining how it will obtain the Match. In his sole discretion, the Executive Director may grant a written extension for

one or more additional years. If the Grantee fails to satisfy these requirements, the Commission may terminate this Agreement and rescind the Grant.

The Grantee represents, warrants and covenants as follows:

(a) All Project Expenses will be Capital Expenditures. No Project Expenses will be a Working Capital Expenditure.

(b) Other than as described in Sections 11 and 12 below, the Grant does not impose on the Grantee any obligation or condition to directly or indirectly repay any amount (in cash, property or services or otherwise) to the Commission, the Issuer, the Commonwealth or any Commission-Related Party.

(c) No Project Expenses will represent, nor will the Grant involve, the use by the Grantee of any portion of the Grant funds, directly or indirectly, (i) to make or finance a grant or a Loan to a Commission-Related Party or (ii) to refund, redeem or pay debt service on the debt obligations (including without limitation any tax-exempt bonds) of the Grantee or any other Person.

(d) No part of the assets to be financed by the Grant will be used by the Commission, the Issuer, the Commonwealth or other Commission-Related Party pursuant to a lease, a management or service contract, output contract, or pursuant to any other arrangement conveying special legal entitlements for the use of such assets that is comparable to a lease, a management or service contract or an output contract, such as an arrangement conveying priority rights to the use or capacity of a Grant-financed asset.

The average reasonably expected economic life of the assets to be financed by the Grant is set forth in Exhibit E attached hereto.

**5. Payment of Grant Funds.** Subject to the terms of this Agreement, the Funding Policies, and the conditions set forth in **Exhibit C** attached hereto and incorporated by reference, the Commission will pay the Grant to the Grantee on a reimbursement basis. The Commission in its sole discretion will determine whether the Grantee is in compliance with this Agreement and the documents incorporated by reference.

Prior to any disbursement, the Grantee must designate the officers, employees, or agents authorized to make a reimbursement request by submitting the Commission's Signature Authorization Form. The Grantee may request reimbursement of Project Expenses upon submission of an original payment request on the Commission's then-current form ("**Payment Request Form**") signed by an authorized officer, employee or agent. The Grantee may submit reimbursement requests no more frequently than quarterly unless the Commission agrees otherwise. The Grantee acknowledges that expenses incurred prior to the Award Date are not eligible for reimbursement.

The Grantee agrees to provide all supporting documentation required by the Funding Policies with each Payment Request Form. The Commission may in its sole discretion refuse to

make a disbursement if the Grantee's documentation is not in accordance with the Funding Policies, adequate expenditure of Match has not been documented, the disbursement includes items that are not Project Expenses, or is otherwise contrary to or in violation of the provisions hereof. In addition, the Commission may refuse to disburse any funds to the Grantee if the Grantee is not current on its obligations to the Commission under this Agreement or an agreement related to a different Commission grant.

If the Grant exceeds the amount necessary to complete the Project, the Grantee agrees that the Commission will retain the excess. If the Commission disbursed excess funds, the Grantee shall return such excess to the Commission within thirty (30) days of the completion of the Project or the expiration of the Grant Period, whichever occurs first.

**6. Right of Inspection.** The Grantee agrees that the Commission (including its employees and agents) may inspect the Project upon reasonable notice to the Grantee; provided, however, that in the event of an emergency, the Commission may inspect the Project to preserve the intended purpose of the Grant, with notice to the Grantee as practicable given the circumstances.

**7. Inadequate Progress; Assurances.** If after the first two years of the Grant Period have passed, the Grantee has failed to make material progress toward completing the Project such that the Commission determines in its sole discretion that it is not reasonably likely the Project will be completed before the end of the Grant Period, the Commission may give written notice that it is ceasing any further disbursements until the Grantee provides acceptable assurances. If the Grantee fails to provide assurances the Commission finds acceptable in its sole discretion within 30 days of such notice, the Commission may terminate this Agreement and rescind the undisbursed portion of the Grant.

**8. Recordkeeping.** The Grantee shall maintain accurate and timely books and records with respect to the Grant and the Project and in accordance with generally accepted accounting principles. The Grantee shall retain all invoices from goods purchased and services performed or received, receipts, or other evidence of the actual payment of costs related to the Project. For at least three years after the end of the Grant Period, the Grantee shall retain all such documentation and copies of all Payment Request Forms with supporting documentation and Annual and Final Reports (as defined herein) submitted to the Commission. The Commission (including its employees and agents) shall have the right to inspect and make copies of all such documentation.

**9. Annual Reports.** The Grantee shall submit to the Commission annual financial and narrative reports reflecting activity related to the Project and progress made toward completion of the Project and Project Outputs using the Commission's then-current grant reporting form ("**Annual Report**"). The Grantee shall provide its first Annual Report one year from the Award Date and annually thereafter until the Project is complete. The Commission reserves the right to request, and the Grantee agrees to provide, additional information to supplement the information provided in the Annual Report, including but not limited to, the Grantee's audited financial statements. In addition, the Grantee shall submit any additional information related to the Project upon the Commission's request.

**10. Final Report.** The Grantee shall submit to the Commission a final financial and narrative report with the final reimbursement request using the Commission’s then-current grant reporting form (“**Final Report**”). The Final Report shall contain the type of information contained in the Annual Reports, including a narrative as to the success of the Project, the status of Project Outputs, and a discussion of the long-term achievements and expectations for the Project. The Commission may withhold disbursement of the final reimbursement until it receives a satisfactory Final Report. In addition, the Grantee agrees to provide any additional reports concerning the Project that the Commission may request.

**11. Misuse of Award; Rights of Commission.** If the Commission determines that any part of the Grant has not been used for Project Expenses or for a purpose otherwise approved in writing by the Executive Director, or that the Grantee has failed to comply with any material term or condition of this Agreement, or has made any materially false or misleading statement to the Commission in this Agreement, the Application, or in communications with the Commission, its employees, or its agents related to the Project, the Commission may withhold any further disbursements to the Grantee until the Grantee provides further assurances the Commission finds acceptable in its sole discretion. In addition, the Commission may:

- (a) terminate this Agreement and rescind the Grant by written notice to the Grantee, in which event the Grantee shall be obligated to return to the Commission, within five (5) days following receipt of such notice, an amount, from legally available funds, equal to all Grant proceeds received pursuant to this Agreement;
- (b) take any action as necessary to preserve the integrity of the Grant or to preserve Grant funds for appropriate uses;
- (c) determine that the Grantee is ineligible to receive future grant funding from the Commission;
- (d) withhold any and all disbursements requested by the Grantee from the Commission under any other grant approved by the Commission; and/or
- (e) take such judicial action as is necessary to collect any amounts owed, including legal action for breach of this Agreement.

The Commission reserves the right to modify or withhold any disbursement of Grant funds if the Commission determines that it is necessary to protect the purposes and objectives of the Commission and the Grant, the Grantee is unable or unwilling to complete the Project, or to comply with any law or regulation applicable to the Commission, the Grant and/or the Grantee.

**12. Sale or Encumbrance; Security Interest.** To the extent permitted by law, Grantee hereby pledges, delivers and assigns to the Commission a security interest in all tangible and intangible property acquired or improved with any portion of the Grant. Upon the Commission’s request, the Grantee shall execute, provide and sign all documents necessary to perfect Commission’s security interest in such property, including deeds of trust, supplemental deeds of

trust, amendments or modifications thereto, financing statements, continuation statements or other instruments and documents which may be reasonably required from time to time.

The Grantee agrees that if any interest in property acquired or improved in whole or in part with the Grant is licensed, leased, sold, exchanged, disposed of, hypothecated, mortgaged or encumbered in any manner, or no longer used in connection with the Project, the Commission will be entitled to recover the portion of the current fair market value of the property attributable to the Commission's funding of the Project as further provided in the Funding Policies. None of the assets or property acquired, constructed, improved, equipped, and/or furnished as part of the Project may be licensed, leased, sold, exchanged, disposed of, hypothecated, mortgaged or encumbered without the prior written approval of the Executive Director. In the event that such asset or property is licensed, leased, sold, exchanged, disposed of, hypothecated, mortgaged or encumbered without the prior written approval of the Executive Director, the Commission may assert its interest in the asset or property to recover the Commission's share of the value of such asset or property and/or recover from the Grantee, unless otherwise prohibited by law.

**13. Compliance; Procurement.** The Grantee agrees to comply with all applicable federal, state, and local laws and regulations pertaining to the Project and the use of Grant funds. If the Grantee is a "public body" under the Virginia Public Procurement Act (Va. Code § 2.2-4300 *et seq.*) (the "VPPA") and will procure goods or services from nongovernmental sources in connection with the Project, the Grantee agrees to comply with the VPPA. If the Grantee is not a public body or is otherwise not required to comply with the VPPA, the Grantee agrees to conduct competitive procurement processes consistent with applicable industry practice.

#### **14. Miscellaneous.**

**(a) Press Releases.** The Grantee agrees that it shall not issue any press releases or other public statements regarding the Grant without the prior written consent of the Executive Director.

**(b) Entire Agreement; Assignment.** To the extent there are inconsistencies between this Agreement and documents and exhibits incorporated by reference, this Agreement shall control. This Agreement expresses the entire understanding and all agreements between the Commission and the Grantee and may not be modified except in a writing signed by the parties. Neither this Agreement nor any rights under this Agreement may be assigned, by operation of law or otherwise, by the Grantee without the prior written consent of the other parties hereto. The provisions of this Agreement shall bind and inure to the benefit of the parties and their respective successors and permitted assigns.

**(c) Governing Law; Jurisdiction; Venue.** This Agreement shall be governed by the applicable laws of the Commonwealth. The venue of any judicial action shall be in the Circuit Court of the City of Richmond, Virginia, and such litigation shall only be brought in such court.

**(d) Limitation of Liability; Indemnification; Attorneys' Fees.** No member, employee, or agent of the Commission shall incur any personal liability with respect to any action taken by him or her pursuant to this Agreement. In connection with the award of the Grant or the

administration of the Project, the Commission does not and shall not assume any liability for any financial or other obligations of the Grantee made to third parties, whether or not related to the Project. There are no third party beneficiaries to this Agreement. Nothing contained herein shall be deemed an express or implied waiver of the sovereign immunity of the Commission or the Commonwealth. To the extent permitted by law, Grantee shall indemnify, save, and hold harmless the Commission, its agents, and employees from any claims or causes of action arising from the performance of this Agreement by the Grantee or the Grantee's agents or employees. In the event the Commission is required to take legal action under this Agreement, the Grantee shall be liable for all of the Commission's costs expended for the administration and enforcement of this Agreement, including but not limited to, reasonable attorneys' fees and court costs. In addition, the Grantee shall to the extent permitted by law at all times protect, indemnify and hold the Commission, the Issuer, the Commonwealth and the owners of the Tobacco Bonds, and their respective members, directors, officers, employees, attorneys and agents (the "Bond Indemnitees"), harmless against any and all liability, losses, damages, costs, expenses, penalties, taxes, causes of action, suits, claims, demands and judgments of any nature arising from or in connection with any misrepresentation, breach of warranty, noncompliance or default by or on behalf of the Grantee under this Agreement, including, without limitation, all claims or liability (including all claims of and liability to the Internal Revenue Service) resulting from, arising out of or in connection with the loss of the excludability from gross income of the interest on all or any portion of the Tobacco Bonds that may be occasioned by any cause whatsoever pertaining to such misrepresentation, breach, noncompliance or default, such indemnification to include the reasonable costs and expenses of defending any Bond Indemnitee or investigating any claim of liability and other reasonable expenses and attorneys' fees incurred by any Bond Indemnitee in connection therewith. If the Grantee is a public body, the Commission acknowledges the Grantee's obligations pursuant to this subsection (d) may be subject to receipt of necessary appropriations and applicable law.

**(e) Severability.** If any provision of this Agreement shall be held invalid by any court of competent jurisdiction, such holding shall not invalidate any other provision hereof.

**(f) Public Documents.** Unless specifically exempted pursuant to the Virginia Freedom of Information Act (Va. Code § 2.2-3700 *et seq.*), all reports, documents, financial data and other information provided to the Commission shall be public records.

**(g) Notices.** Unless otherwise provided for herein, all notices, approvals, consents, correspondence and other communications pursuant to this Agreement shall be in writing and shall be deemed received upon receipt or refusal after mailing of the same in the United States Mail by certified mail, postage fully pre-paid or by overnight courier (refusal shall mean return of certified mail or overnight courier package not accepted by the addressee) to (a) the Commission at 701 East Franklin Street, Suite 501, Richmond, Virginia 23219, Attention: Executive Director, or (b) the Grantee at the address set forth below.

**(h) Conditional Funding.** In the event that disbursement of Grant funds is contingent upon the happening of an event or events described herein that have not yet occurred as of the Award Date, the Commission may withdraw the Grant if such contingency has not been satisfied within twelve (12) months of the Award Date, unless otherwise provided in **Exhibit C**.

**(i) Survival.** The rights and remedies available to the Commission shall survive any expiration or termination of this Agreement.

**(j) Counterparts.** This Agreement may be executed in counterparts, each of which shall be an original, and all of which together shall constitute but one and the same instrument.

*[Remainder of this page intentionally left blank.]*

IN WITNESS WHEREOF, the parties hereto have executed this Agreement as of the date first written above.

**TOBACCO REGION REVITALIZATION COMMISSION, a body corporate and political subdivision of the Commonwealth of Virginia**

Signature of Acting Executive Director \_\_\_\_\_

Printed Name of Acting Executive Director: Stephen Versen

Date: \_\_\_\_\_

**City of Danville**

Signature of Grantee's Chief Executive: \_\_\_\_\_

Printed Name of Chief Executive: \_\_\_\_\_

Date: \_\_\_\_\_

**Organizations Information:**

Address \_\_\_\_\_

Phone # \_\_\_\_\_ e-mail \_\_\_\_\_ Federal ID # \_\_\_\_\_

**Project Description:**

This funding will support the engineering and permitting costs for construction of natural gas infrastructure necessary for delivery of natural gas to serve the Southern Virginia Megasite at Berry Hill. This is necessary to provide natural gas to address requirements for Microporous. VEDP VBRSP approved a \$6 million grant to support the natural gas infrastructure construction costs. The plan for delivery of natural gas is for the City of Danville to assume responsibility for construction of the natural gas line to the Megasite Lots 1 and 2 from an existing gas gate owned by the City. Microporous and all future customers would be transportation customers for the City with Southwest Virginia Gas Company providing the final connection and selling natural gas directly to the customers. Preliminary estimates and routing details are available for the proposed 3.5 mile gas main extension which will utilize VDOT and City right-of-way.

**Project Outputs:**

Engineering design for natural gas facilities extension to serve the Southern Virginia Megasite

**Project Budget**

<b>TRRC #4219, City of Danville</b>			<b>Exhibit B</b>		
<b><i>Southern Virginia Megasite Natural Gas Gate Engineering and Permitting</i></b>					
<b>Approved Budget 1/12/2026</b>					
<b>Budget Categories &amp; Line Items</b>		<b>TRRC</b>	<b>Match</b>	<b>Total</b>	
<b>CONTRACTUAL SERVICES</b>		<b>\$ 459,000</b>	<b>\$ -</b>	<b>\$ 459,000</b>	
	A&E - Design, Permitting, Surveying, Specification & Documents, Bid Services	\$ 459,000	\$ -	\$ 459,000	
<b>PROPERTY &amp; IMPROVEMENTS</b>		<b>\$ -</b>	<b>\$ 459,000</b>	<b>\$ 459,000</b>	
	Berry Hill Industrial Park Natural Gas Facilities Extension (A portion of ~ \$7.3 million total construction costs.)	-	\$ 459,000	\$ 459,000	
<b>TOTAL PROJECT BUDGET</b>		<b>\$ 459,000</b>	<b>\$ 459,000</b>	<b>\$ 918,000</b>	
<b>Sources of Funds</b>		<b>TRRC</b>	<b>Match</b>	<b>Total</b>	
	Tobacco Region Revitalization Commission	\$ 459,000		\$ 459,000	
	VEDP Business Ready Site Program		\$ 459,000	\$ 459,000	
<b>TOTAL - SOURCES OF FUNDS</b>		<b>\$ 459,000</b>	<b>\$ 459,000</b>	<b>\$ 918,000</b>	

**Grant Conditions**

1. At least 50% of the total Project Budget must be funded by non-Commission sources. The Grantee must provide satisfactory evidence thereof to the Commission prior to disbursement of any Grant proceeds. Unapproved applications to other funding sources are not satisfactory evidence.

**Governing Documents of Grantee**

Attach charter, articles of incorporation or similar governing instruments, also attach IRS determination letter if a 501(c)(3) Organization.

DETERMINATION OF AVERAGE REASONABLY EXPECTED  
ECONOMIC LIVES OF PROJECT ASSETS

The Tax Code limits the length of average maturity for certain tax-exempt bonds, such as the Tobacco Bonds, to no more than 120% of the average reasonably expected economic life of the assets being financed with the proceeds of such bonds. In this Exhibit, the Grantee will determine the average reasonably expected economic life of the assets being financed by the Grant.

There are two safe harbors in determining "economic life": the ADR midpoint life under IRS Revenue Procedures 87-56 and the guideline life under IRS Revenue Procedure 62-21 (in the case of structures). For the purposes hereof, the reasonably expected economic life of an asset is to be determined as of the date the asset is expected to be placed in service. You may wish to consult your accountant in completing this Exhibit. Commission staff can provide copies of the above-referenced Revenue Procedures.

Please complete the attached Schedule as follows:

**Step 1.** Please list each of the assets comprising the Project to be financed or refinanced by the Grant funds by describing them in Column I. At the minimum, the assets should be broken down as "Land," "Land Improvements," "Building," and "Equipment." In Column II, indicate whether each asset will be acquired, constructed, installed, renovated, etc.

**Step 2.** In Column III, set forth the corresponding total cost of each asset to be paid with Grant funds. Any amounts shown on the Project Budget as "Contingency" should be assigned to the shortest-lived asset.

**Step 3.** In Column IV, set forth the date each asset is expected to be placed in service. An asset is first placed in service when it is first placed in a condition or state of readiness and availability for a specifically assigned function.

**Step 4.** In Column V, set forth in years the ADR midpoint life or the guideline life of each asset listed in Column I, in accordance with the following:

*Land.* If any portion of the Grant funds will be used to finance the acquisition of land, Commission staff should be consulted to determine the economic life to be assigned. In most cases, Commission staff will direct you to assign the land an economic life of 0 and to exclude the land from the economic life calculation.

If land improved with one or more existing buildings will be acquired, please allocate the purchase price between the land and buildings and furnish the Commission with a copy of a recent appraisal of the relative value of the land and buildings to support your allocation.

*Buildings.* A guideline life must be determined under Revenue Procedure 87-56 for any building to be financed with the Grant. Forty years is the guideline life for most buildings. Based on the nature of the particular building, your accountant or Commission staff will assist you in determining whether another guideline life is more appropriate. Each building includes the structural shell of the building and all integral parts thereof, equipment which services normal

heating, plumbing, air conditioning, fire prevention and power requirements, and equipment such as elevators and escalators.

*Equipment.* Please select a ADR midpoint life for each item of equipment to be financed. The tables of asset guideline classes, asset guideline periods and asset depreciation ranges included in Revenue Procedures 87 – 56 are used for reference.

To use the table, you should first determine the asset guideline class in which each item of equipment falls. General business assets fall into classes 00.11 through 00.4 to the extent that a separate class is provided for them. Other assets, to the extent that a separate class is provided, fit into one or more of classes 01.1 through 80.0. Subsidiary assets (jigs, dies, molds, patterns, etc.) are in the same class as are the other major assets in an industry activity unless the subsidiary assets are classified separately for that industry. Each item of equipment should be classified according to the activity in which it is primarily used. If the equipment is not described in any asset guideline class, its estimated economic life must be determined on a case by case basis.

*Working Capital.* Working Capital Expenditures are ineligible for Grant funding.

**Step 5.** In Column VI, adjust the ADR midpoint or guideline life for each asset by adding the amount of time (in years) between May 16, 2005 (the closing date of the Tobacco Bonds) and the in-service date specified in Column IV. For example, if a building with a guideline life of 40 years will be placed in service one year and six months after May 16, 2005, the adjusted economic life for such building in Column VI should be 41.5

**Step 6.** In Column VII, show with respect to each asset the product of the respective entry in Column III multiplied by the respective entry in Column VI.

**Step 7.** Total all of entries in Column III and Column VII.

**Step 8.** Divide the Column VII Total by the Column III Total. The quotient is the average reasonably expected economic life of the assets to be financed with Grant funds as part of the Project.

INFORMATION SCHEDULE  
REASONABLY EXPECTED ECONOMIC LIVES  
OF PROJECT FACILITIES

	COLUMN I	COLUMN II	COLUMN III	COLUMN IV	COLUMN V	COLUMN VI	COLUMN VII
	DESCRIPTION OF ASSETS INCLUDED IN THE PROJECT	ACQUISITION, CONSTRUCTION, INSTALLATION, RENOVATION, ETC.	TOTAL COST TO BE FINANCED BY GRANT	IN SERVICE DATE	GUIDELINE OR ADR MIDPOINT LIFE	ADJUSTED ECONOMIC LIFE	COLUMN III X COLUMN VI
1	Land Improvements- Gas Utility Distribution Facility	Design and Engineering	\$459,000	5/31/27	35	57.04	\$26,181,360
2							
3							
4							
5							
6							
			Total: \$459,000				Total: \$26,181,360

AVERAGE REASONABLY EXPECTED ECONOMIC LIFE:

COLUMN VII TOTAL \$26,181,360 ÷ COLUMN III TOTAL: \$459,000 = 57.04 YEARS

**Council Letter  
City of Danville, Virginia**



**CL - 2593**

**CONSENT AGENDA C.**

**City Council REGULAR MEETING**

**Meeting Date:** April 7, 2026

**Subject:** Amending the Fiscal Year 2026 Budget Appropriation Ordinance for State Aviation Capital Funding.

**From:** Marc Adelman, Director of Transportation Services

---

**COUNCIL ACTION**

An Ordinance Amending the Fiscal Year 2026 Budget Appropriation Ordinance to Provide for State Aviation Capital Grant Funding to Complete a Site Preparation Construction Project at the Danville Regional Airport in the Amount of \$993,760 and for the Local Share in the Amount of \$110,418 for a Total of \$1,104,178 and Appropriating the Same.

***Final Adoption***

**SUMMARY**

State aviation funding has been approved to complete a site prep construction project located adjacent to the south ramp at the Danville Regional Airport.

**BACKGROUND**

Design services were completed earlier this fiscal year to complete a site prep construction project that will be located adjacent to the south ramp at the Danville Regional Airport. This project will support development opportunities and will involve grading work, drainage improvement and the completion of a 30-space parking lot and paved service road. The area that will be graded adjacent to the south ramp, which is 510' x 425' will support construction up to 13,000 square feet.

**RECOMMENDATION**

It is recommended that City Council approve the attached ordinance appropriating state aviation capital funds to support a site prep construction project at the Danville Regional Airport.

---

**Attachments**

1. Ordinance
  2. Exhibit
-

PRESENTED: \_\_\_\_\_

ADOPTED: \_\_\_\_\_

ORDINANCE NO. 2026 - \_\_\_\_\_ - \_\_\_\_\_

AN ORDINANCE AMENDING THE FISCAL YEAR 2026 BUDGET APPROPRIATION ORDINANCE TO PROVIDE FOR STATE AVIATION CAPITAL GRANT FUNDING TO COMPLETE A SITE PREPARATION CONSTRUCTION PROJECT AT THE DANVILLE REGIONAL AIRPORT IN THE AMOUNT OF \$993,760 AND FOR THE LOCAL SHARE IN THE AMOUNT OF \$110,418 FOR A TOTAL OF \$1,104,178 AND APPROPRIATING THE SAME

WHEREAS, the Virginia Department of Aviation recommended funding to complete a site preparation construction project for the Danville Regional Airport; and

WHEREAS, the planned project supports future development objectives at the Danville Regional Airport; and

WHEREAS, the Virginia Aviation Board has approved state funding to complete a site prep construction project located adjacent to the airport's south ramp to support future corporate hangar development.

NOW THEREFORE, BE IT ORDAINED by the Council of the City of Danville, Virginia that the Fiscal Year 2026 Budget Appropriation Ordinance be, and it is hereby, amended by increasing revenues for grants from the Virginia Department of Aviation in the amount of Nine hundred ninety-three thousand, seven hundred sixty and 00/100 dollars (\$993,760) such funds to be appropriated as follows:

**ANTICIPATED REVENUES**

<u>Description</u>	<u>Account No.</u>	<u>Amount</u>
South Ramp Site Prep State Aviation Funds	61988001-45712	\$ 993,760

Local Share		
FY26 Capital & Special Projects Plan		110,418
	Total	<u>\$ 1,104,178</u>

**ANTICIPATED EXPENDITURES**

<u>Description</u>	<u>Account No.</u>	<u>Amount</u>
South Ramp Site Prep	61988999-50	\$ 1,104,178

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

BE IT FINALLY ORDAINED by the Council of the City of Danville, Virginia, that the Fiscal Year 2026 Budget Appropriation Ordinance, as amended, not hereby amended, shall continue in full force and effect unless and until hereafter further amended or repealed.

Approved:

\_\_\_\_\_  
Mayor

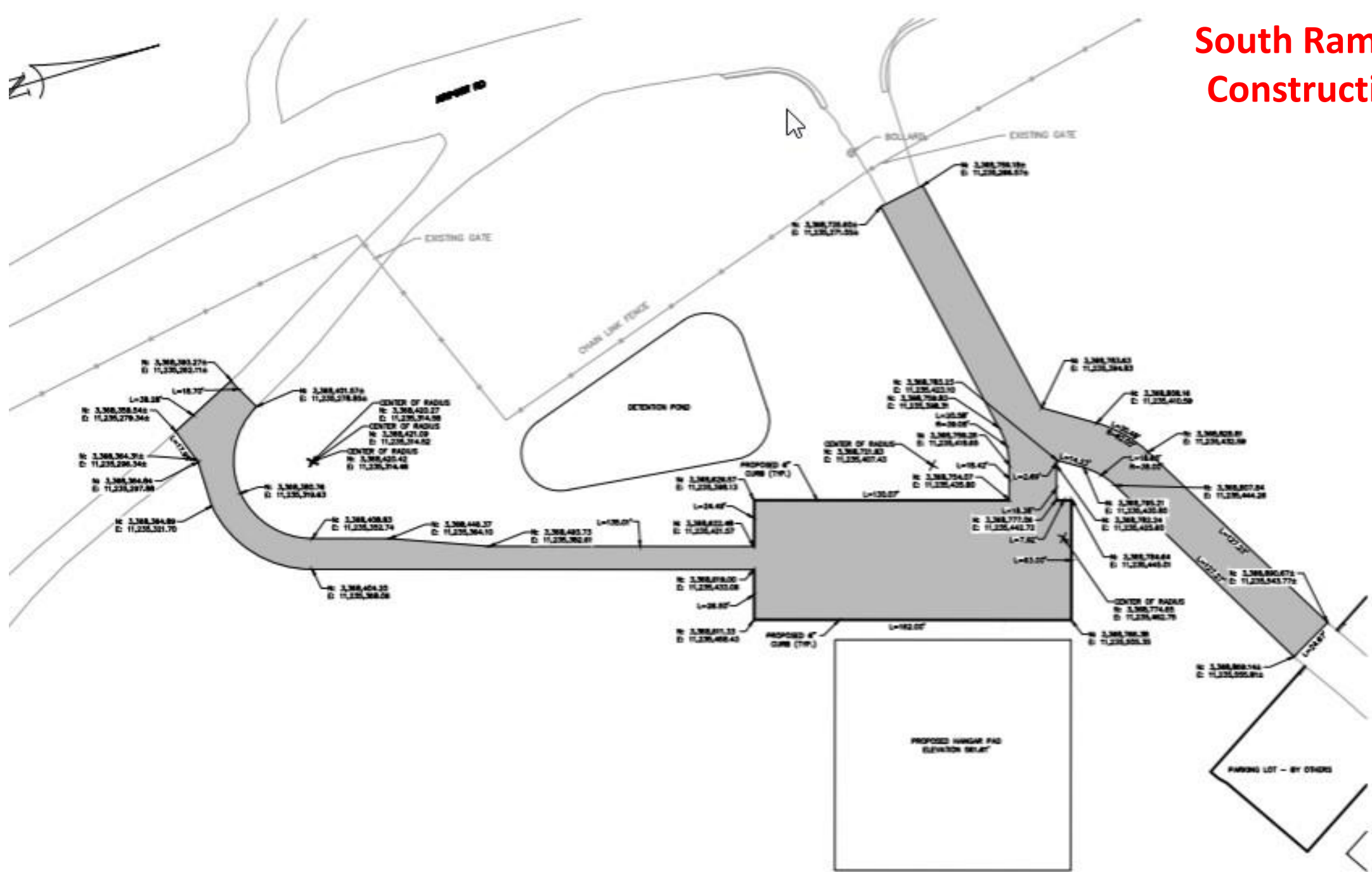
Attest:

\_\_\_\_\_  
Clerk

Approves as to Form  
And Legal Sufficiency:

\_\_\_\_\_  
City Attorney

# South Ramp Site Prep Construction Exhibit



# Council Letter City of Danville, Virginia



CL - 2601

NEW BUSINESS A.

## City Council REGULAR MEETING

**Meeting Date:** April 7, 2026

**Subject:** Special Use Permit Application for a Waiver to Maximum Sign Area at Parcel 21322 (Memorial Drive).

**From:** Renee Burton, Division Director of Planning

---

## COUNCIL ACTION

1. Public Hearing
2. An Ordinance of the Council of the City of Danville, Virginia Granting Special Use Permit Application PZ26-00191 filed by the Industrial Development Authority for a Waiver to Maximum Sign Area at Parcel ID #21322 (Memorial Drive).

## SUMMARY

Following the City Planning Commission's unanimous recommendation consider increasing the maximum size allowed for a sign outside the Dan River Falls property.

## BACKGROUND

The applicant requests a waiver of maximum square footage for a tenant identification sign at Parcel 21322 near Dan River Falls, a mixed-use development. The signage is intended to identify commercial tenants and improve wayfinding for citizens, visitors, and patrons. The proposed sign location is within the right-of-way. A Right-of-Way Use Agreement, approved by the Director of Public Works and the City Manager, will be required.

A Special Use Permit for a waiver of the maximum sign area in the River District will allow the installation of a ground sign not to exceed an advertising area of 125 square feet, a maximum height of 30 feet, and up to 150 square feet of architectural elements. Without the Special Use Permit, the installation of a ground sign may not exceed an advertising area of 24 square feet, 10 feet maximum height, and 32 square feet of architectural elements. The proposed sign will also be subject to compliance with all applicable landscaping and lighting regulations.

Granting a Special Use Permit for a waiver of the maximum sign area will allow the opportunity for each tenant to have an identification tile on the ground sign and will assist visitors as they determine the correct drive entrance to access the commercial uses.

Forty-five (45) notices were sent out to property owners within three hundred (300) feet. Nine (9) responses were received, all were unopposed.

On March 9, 2026, the City Planning Commission voted 5-0 to approve Special Use Permit application PZ26-00191 filed by the Industrial Development Authority for a waiver to maximum sign area at Parcel 21322 (Memorial Drive).

## RECOMMENDATION

It is recommended that City Council adopt an Ordinance approving Special Use Permit application

PZ26-00191 filed by the Industrial Development Authority for a waiver to maximum sign area at Parcel 21322 (Memorial Drive).

---

**Attachments**

1. Ordinance
  2. Application
  3. Parcel 21322 - 2025 Aerials Map
  4. PIN 21322 - Owners Map
  5. Planning Commission Recommendation
-

PRESENTED: \_\_\_\_\_

ADOPTED: \_\_\_\_\_

ORDINANCE NO. 2026\_\_\_\_.\_\_\_\_

AN ORDINANCE OF THE COUNCIL OF THE CITY OF DANVILLE, VIRGINIA GRANTING SPECIAL USE PERMIT APPLICATION PZ26-00191 FILED BY THE INDUSTRIAL DEVELOPMENT AUTHORITY FOR A WAIVER TO MAXIMUM SIGN AREA AT PARCEL ID #21322 (MEMORIAL DRIVE).

WHEREAS, in accordance with the Code of the City of Danville, Virginia, 1986, as amended, The Industrial Development Authority has requested a Special Use Permit for a waiver of maximum sign area at Parcel ID #21322 (Memorial Drive).

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 PZ26-00191, filed by The Industrial Development Authority, requesting a Special Use Permit for waiver of maximum sign area at Parcel ID #21322 (Memorial Drive), is hereby received; and

BE IT FINALLY ORDAINED THAT, in consideration of said report and the public hearing this day held by Council, Special Use Permit Application PZ26-00191, filed by The Industrial Development Authority, requesting a Special Use Permit for waiver of maximum sign area at Parcel ID #21322 (Memorial Drive) of the City of Danville, Zoning District Map, is hereby granted and approved.

Approved:

---

Mayor

Attest:

---

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

Applicant:	Industrial Development Authority
Applicant's Address:	PO Box 3300 Danville, VA 24543
Applicant's Phone Number:	434-793-1753
Applicant's Email:	Kim.custer@discoverdanville.com

#### 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.

DANVILLE, VA

- 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.

Property Location: 420 Memorial Drive, Danville VA 24543  
ROW Parcel 21322

Describe Proposed Request:

Identification signage to be placed in the right of way at the entrance to the commercial end of the building for tenants occupying the commercial spaces at Dan River Falls.

\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

T. Neal Morris  
Applicant's Signature

2/4/20  
Date

Commonwealth of Virginia  
City of Danville

The foregoing instrument was acknowledged before me this 4<sup>th</sup> day of February  
20:26  
by T. Neal Morris

Kimberly Ann Custer  
Notary Public

Registration No.: 7519125 Expires: 11/30/2028

KIMBERLY ANN CUSTER  
NOTARY PUBLIC  
Commonwealth of Virginia  
Reg. #7519125

**DANVILLE, VA**

\_\_\_\_\_  
Owner's Signature (if not applicant) Date

**Commonwealth of Virginia  
City of Danville**

The foregoing instrument was acknowledged before me this \_\_\_\_ day of \_\_\_\_\_,  
20\_\_\_\_  
by \_\_\_\_\_

\_\_\_\_\_  
**Notary Public**

**Registration No.:** \_\_\_\_\_ **Expires:** \_\_\_\_\_

## Tenant Identification Signage for Dan River Falls Commercial Space

### Description of Proposed Use

The purpose of this permit application is to request approval for the installation of tenant identification signage within the right of way adjacent to the Dan River Falls commercial space. The signage is necessary to clearly identify the tenants occupying the commercial units and to facilitate wayfinding for citizens, visitors, and patrons.

### Signage Location and Features

The parcel is situated within the TWC Tobacco Warehouse Commercial Zone and is bordered by property owned by the Industrial Development Authority, which supports the installation of this signage. Placing the signage in this right of way will provide clear and convenient access to the commercial property.

The proposed sign will be strategically positioned in a prominent area within the public right of way to maximize visibility and ensure effective identification of all tenants within the commercial complex. Its design will complement the surrounding environment and fully comply with applicable municipal regulations, including a maximum advertising area of 125 square feet, a height of 30 feet, and up to 150 square feet of architectural elements.

To ensure visibility and safety during both daylight and nighttime hours, the sign will be illuminated using appropriate lighting fixtures. The lighting will provide clear identification for all citizens and patrons during peak business hours and beyond.

### Community Benefit

The installation of this tenant identification signage will enhance the overall accessibility and navigability of the Dan River Falls commercial area. By providing clear, illuminated identification, the sign will serve the needs of the community, support local businesses, and contribute to a welcoming commercial environment.



**CITY OF DANVILLE**  
**Department of Public Works**  
**Division of Engineering**

February 3, 2026

To Whom It May Concern:

I am writing to express my full support for the proposed installation of tenant identification signage within the right of way adjacent to the Dan River Falls commercial complex. This signage is an important enhancement that will directly benefit the tenants, visitors, and broader community by improving visibility, accessibility, and overall wayfinding throughout the area.

The Dan River Falls site, located within the TWC Tobacco Warehouse Commercial Zone and bordered by property under the ownership of the Industrial Development Authority, is a growing hub of commercial activity. Given the unique configuration of the development and its relationship to surrounding parcels, strategically placed signage in the right of way is both appropriate and necessary to ensure that tenants are clearly identifiable to citizens, visitors, and patrons.

As shown in the schematic drawings, the proposed signage will be thoughtfully designed to complement the existing environment and comply with all municipal regulations, including height, dimensional standards, and architectural allowances. With a maximum advertising area of 125 square feet, a height not to exceed 30 feet, and up to 150 square feet of architectural elements, the sign will serve as an attractive and functional feature for the site. Additionally, the planned illumination will ensure that the sign remains visible and safe during both daytime and evening hours, meeting the needs of the community during peak business times and beyond.

The installation of this signage will provide considerable public benefit. Clear tenant identification enhances navigability, supports the economic vitality of local businesses, and contributes to creating a welcoming and easily accessible commercial environment. As Dan River Falls continues to develop into a high value commercial destination, the addition of effective and attractive wayfinding elements is essential.

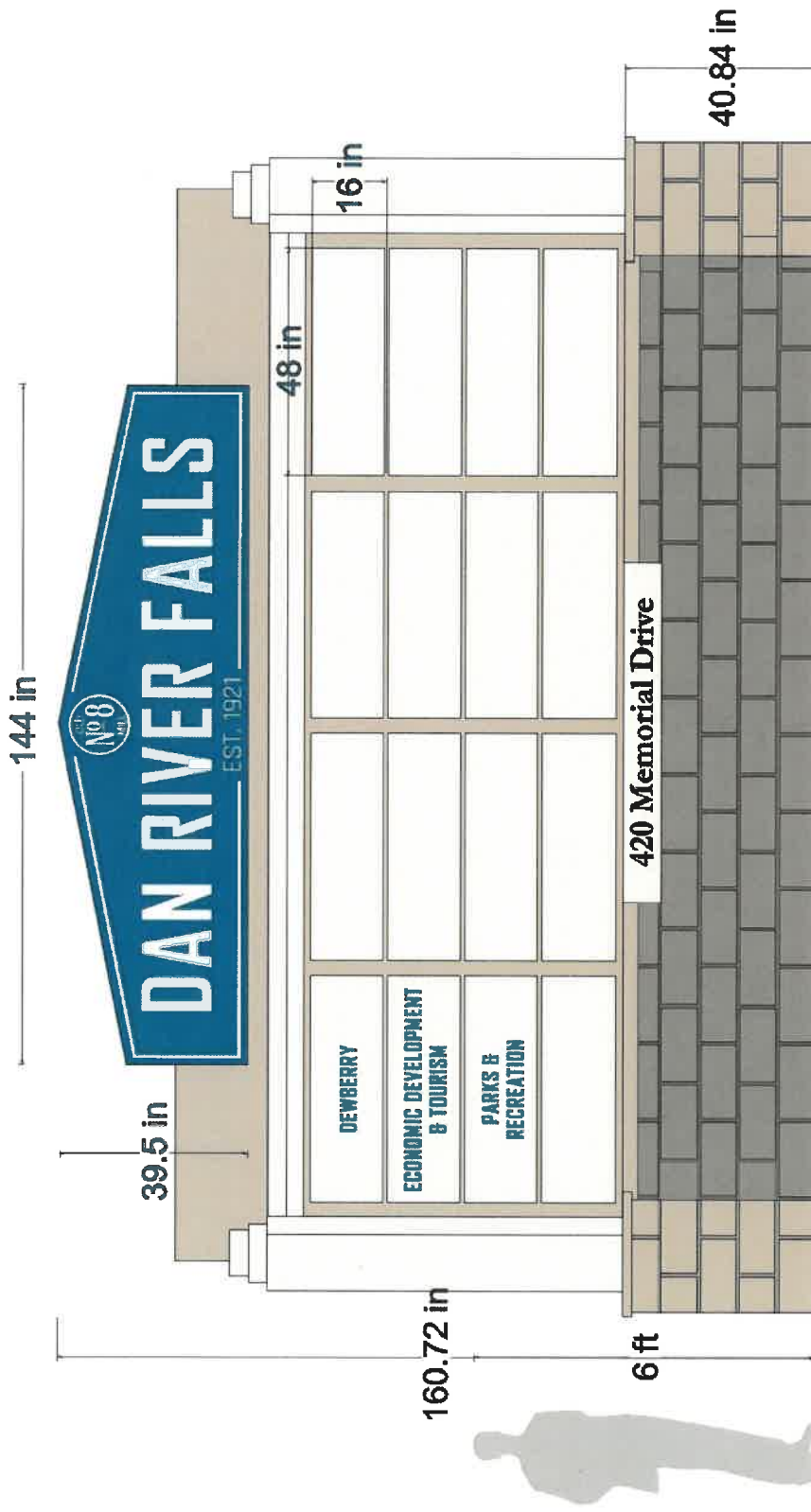
For these reasons, I strongly support approval of this permit application and the installation of the proposed tenant identification signage. This improvement will meaningfully enhance the user experience and strengthen the commercial viability of the Dan River Falls development.

Thank you for your consideration.

Sincerely,

A handwritten signature in blue ink that reads "Brian Dunevant".

Brian L. Dunevant  
City Engineer  
Department of Public Works





# CITY OF DANVILLE

## City Manager's Office

February 3, 2026

To Whom It May Concern:

I am writing to express my support for the proposed installation of tenant identification signage within the right of way adjacent to the Dan River Falls commercial complex. This signage will help the tenants, visitors, and broader community by improving visibility, accessibility, and overall wayfinding throughout the area.

The Dan River Falls site, located within the TWC Tobacco Warehouse Commercial Zone is a former textile manufacturing building that is now a mixed-use development with multiple tenants. A strategically placed signage in the right of way is both appropriate and necessary to ensure that tenants are clearly identifiable to citizens, visitors, and patrons.

The proposed signage will fit the surroundings and meet all municipal regulations for size, height, and architecture, as shown in the drawings. With a maximum advertising area of 125 square feet, a height not to exceed thirty feet, and up to 150 square feet of architectural elements, the sign will serve as an attractive and functional feature for the site. Additionally, the planned illumination will ensure that the sign remains visible and safe during both daytime and evening hours.

The installation of this signage will provide considerable public benefit. Clear tenant identification enhances navigability, supports the economic vitality of local businesses, and contributes to creating a welcoming and easily accessible commercial environment. As Dan River Falls continues to develop into a high value commercial destination, the addition of effective and attractive wayfinding elements is essential.

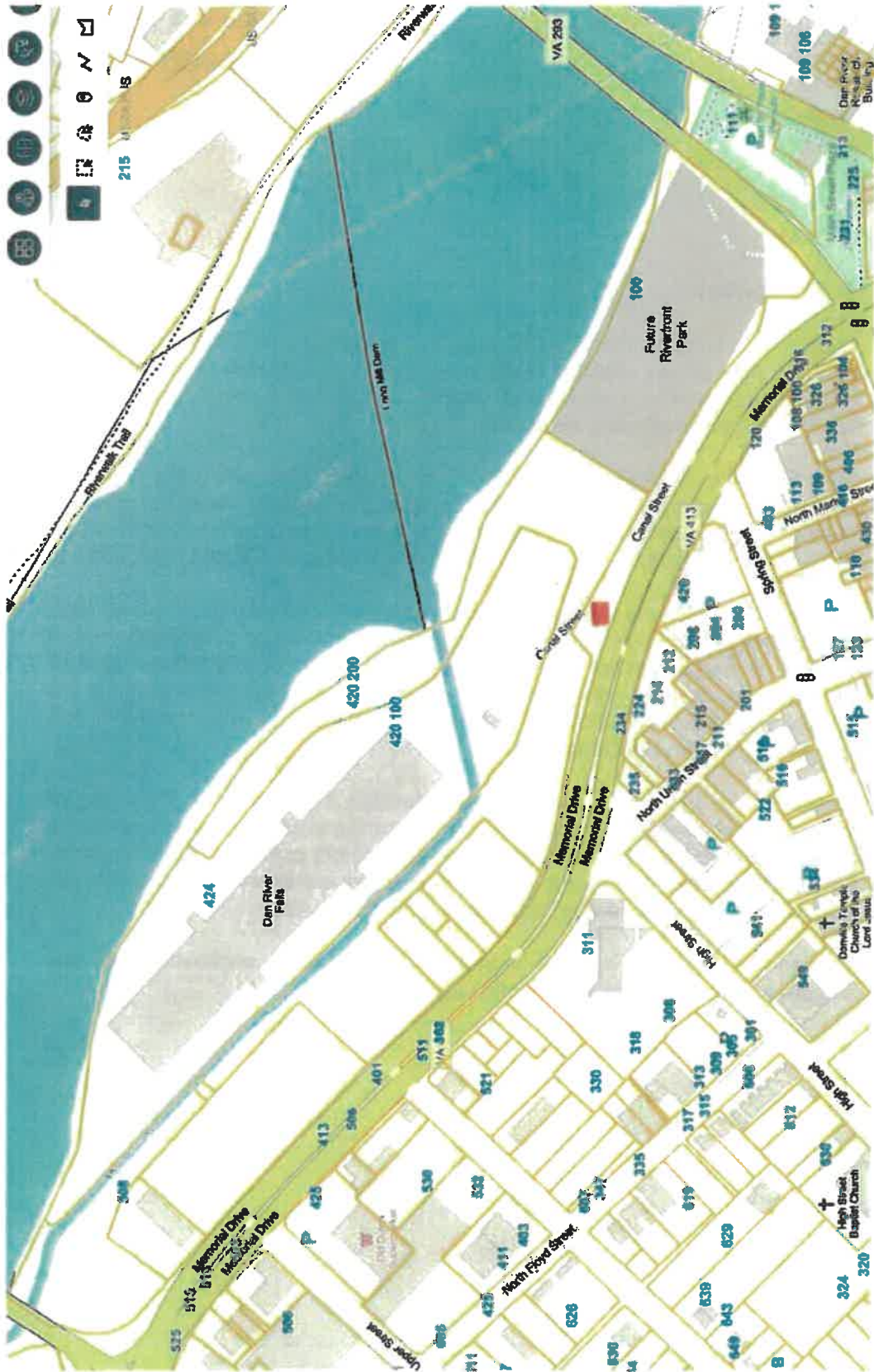
For these reasons, I strongly support approval of this permit application and the installation of the proposed tenant identification signage.

Thank you for your consideration.

Sincerely,

A handwritten signature in black ink that reads "Ken Larking".

Ken Larking  
City Manager



■ Sign location in right-of-way on commercial end of Dan River Falls

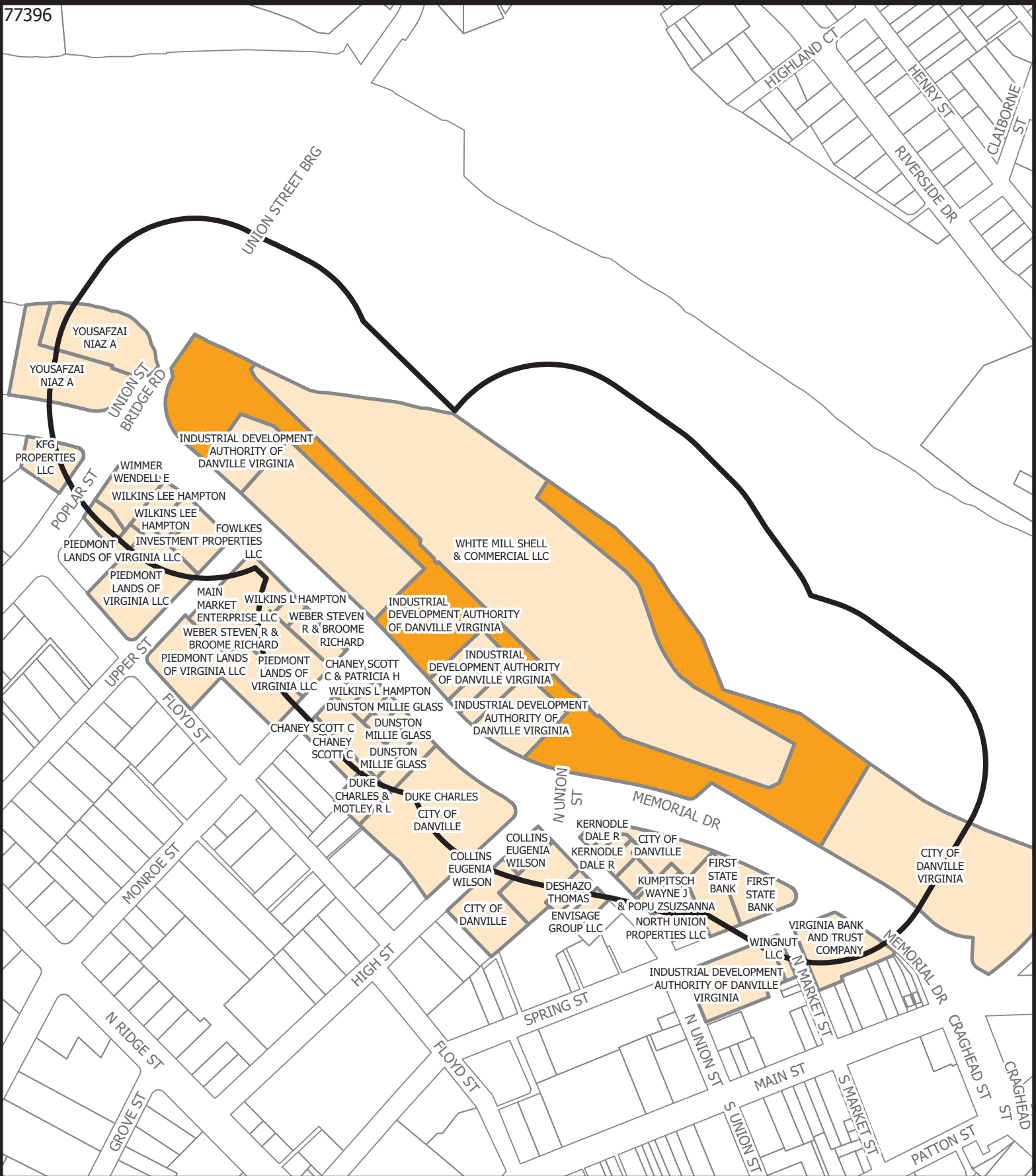


## 2025 AERIAL IMAGERY OF SUBJECT PROPERTY

Prepared by:  
Planning Division  
2/19/2026



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  
2/20/2026



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:** MARCH 9, 2026  
**TO:** CITY COUNCIL  
**FROM:** CITY PLANNING COMMISSION  
**RE:** SPECIAL USE PERMIT REQUEST PZ26-00191

*Special Use Permit application PZ26-00191 filed by the Industrial Development Authority for a waiver to maximum sign area at Parcel 21322 (Memorial Drive).*

**RECOMMENDATION**

The Planning Commission, at their March 9, 2026, meeting voted 5-0 to recommend approval of Special Use Permit request PZ26-00191.

 Jimmy Bolton <sup>SW</sup>  
Mr. Jimmy Bolton, Vice Chair

# Council Letter City of Danville, Virginia



CL - 2636

NEW BUSINESS B.

## City Council REGULAR MEETING

**Meeting Date:** April 7, 2026

**Subject:** Consideration of a Special Use Permit application filed by Blackstone Building Group, LLC.

**From:** Renee Burton, Division Director of Planning

---

## COUNCIL ACTION

1. Public Hearing
2. A Resolution Denying Special Use Permit Application PZ25-00424, filed by Blackstone Building Group, LLC, Requesting a Special Use Permit to Allow a Waiver of Lot Frontage Requirements in Accordance with Chapter 41.2.F of the Code of the City of Danville Virginia, 1986, As Amended, at Parcel IDS 78585, 77925, 71138, 77918, 77919, 77920, 77921 and 77922 in the MR, Multi-Unit Residential Zone; or
3. An Ordinance Granting Special Use Permit Application PZ25-00424 filed by Blackstone Building Group, LLC, to Allow a Waiver of Lot Frontage Requirements in Accordance with Chapter 41.2.F of the Code of the City of Danville Virginia, 1986, As Amended, at Parcel IDS 78585, 77925, 71138, 77918, 77919, 77920, 77921 and 77922 (Vandola Road and Kayewood Lane) in the MR Multi-Unit Residential Zone.

## SUMMARY

Following the City Planning Commission's split recommendation, consider allowing housing lots smaller than the minimum required in CODE Danville at the Vandola Crescent development.

## BACKGROUND

Blackstone Building Group, LLC is requesting to allow a waiver of lot frontage requirements at Parcels 78585, 77925, 71138, 77918, 77919, 77920, 77921 and 77922 (Vandola Road and Kayewood Lane). The applicant has requested to reduce the minimum lot width requirement from eighteen (18) to sixteen (16) feet. The applicant has requested this waiver to accommodate the building plans of what the applicant has identified as the "workforce housing" portion of the Vandola Crescent development. The "workforce housing" portion of the development equals to 221 three (3) story townhouses. The remaining 96 of the proposed 317 unit development are predetermined to be age-restricted dwellings.

This project was first the subject of a request for a Planned Unit Development (PUD) that was approved by City Council in July 2024 with the following conditions:

1. The development shall include no more than 360 residential units and 2 commercial structures.
2. The commercial structures may be located on Parcel 71143 and 77608 and are to be developed in accordance with Article 3.J, N-C, Neighborhood Commercial zoning classification.
3. The developer will complete a Traffic Impact Analysis in consultation with the City of Danville and implement the recommendations (TIA was completed 09-21-24).
4. A minimum of 35% of the building exteriors will be masonry.
5. The height of each building may not exceed three (3) stories or 45 feet.

6. No more than eight (8) and no fewer than three (3) single-family attached units (townhouses) shall be included in any one physically contiguous grouping.
7. Townhouse grouping shall be designed to minimize "Flat-faced", row-house architectural facades. Architectural projections, off-sets, window bays, canopies, porches, mixed materials and colors and other design elements of a unified architectural theme shall be provided to achieve this result.
8. Architectural treatment of attached dwellings shall vary so that no more than two abutting units are substantially the same and so that no more than four units in any group are substantially the same; and
9. The development will maintain landscape buffers compliant with Article 16 of the zoning ordinance and or the development agreement, whichever is greater.
10. Parking shall not be placed in the front yard (Vandola Road and Riverside Drive) of the development.

At the request of the applicant, the project was amended to create a development plan where each dwelling unit would be located on a separate lot. This amendment was requested by the applicant to allow application for development reimbursement incentives that are offered by the City. This new proposal required that the land be developed under a change in zoning classification instead of the PUD. The zoning change from TR (Transitional Residential) to AR (Attached Residential) was approved by City Council on May and June 2025.

During a submission by the applicant for development review by the Inspections, Planning and Engineering Divisions, it was discovered that the proposed townhome units and lot sizes were a width of sixteen (16) feet. The reviews were rejected due to this inconsistency with the Code and a subsequent Special Use Permit was filed to allow a waiver of lot size for the development.

On September 8, 2025, this application was presented to the City Planning Commission. Staff recommended denial due to its incompatibility with the surrounding community, concern for the quality of housing presented at a reduced width, and the density that would be allowed with the reduction. According to the Missing Middle Housing website, the ideal width for attached residential homes is 18 feet per unit. Reducing unit width may create significant functional challenges and diminish buyer interest. The proposal is generally consistent with the Comprehensive Plan's goals of providing various housing options and securing suitable workforce housing. However, staff finds a decrease in width of the units and an increase in density incompatible with existing structures along Vandola Road and the City's goal of providing quality workforce housing options. The City Planning Commission voted 5-0 to recommend denial of Special Use Permit application PZ25-00424.

Before the request could be reviewed by City Council, proof of ownership was requested by Planning Staff. This was not submitted by the applicant. Therefore, the request was postponed from the October 9, 2025, City Council agenda and was not rescheduled for consideration in November or December at the applicant's request. On January 9, 2026, staff received deeds of sale for the subject parcels. Parcels 78585, 71138, 77918, 77919, 77920, 77921, and 77922 were conveyed to Blackstone Building Group, LLC. However, Parcel 77925 (26.8 acres) was conveyed to MLCHVandola, LLC, with Blackstone Building Group, LLC holding a purchase option agreement for one (1) year. While owner authorizations have been provided, the applicant does not currently hold title to all subject parcels, and implementation of the proposed development would remain contingent upon future transfer of ownership.

At the February 3, 2026, City Council meeting, Council remanded the request to the Planning Commission for further review. Following that meeting, staff met with the applicant and his counsel two additional times to discuss amendments to the application that might allow the proposal to meet zoning code requirements. During that meeting, staff recommended several options including; shifting the proposed right-of-way fifty (50) feet to the north or south, relocating the development of Phase 1A to the north, and reducing the number of units proposed in Phase 1A. The applicant declined to consider these alternatives. The decision is influenced, in part, by the fact that the applicant does not own Parcel 77925. Parcel 77925 is owned by MLCHVandola, LLC and is under a future purchase

agreement.

Following remand to the Planning Commission, the applicant submitted several additional proffered conditions:

- 1. Consistency of Scope of Development: The desired special use permit is necessitated by the terms of a cost-share agreement between the City of Danville (the "City") and the Applicant, relative to the City's installation of a high-volume water main, ancillary water lines and water service to the area. In order to maximize the benefit of the costshare agreement, each townhome/villa unit effectively becomes a "lot" within the municipal code definitions, with dedicated water meters and individual water service to each lot. Notwithstanding the foregoing or the characterization of the structures as a "lot" or a "unit" (as is the case under the approved planned unit development), the special use permit will not impact unit/lot density, and the overall number and size will remain consistent with those densities and unit sizes which were previously approved under the planned unit development scheme.*
- 2. Limited Unit Impact: The Vandola Crescent project consists of a total of 317 units, 96 of which are age-restricted villas, and the remaining 221 workforce housing units are three-story townhomes. The desired special use permit waives the minimum lot size requirements for the applicable zoning district, and the special use permit will apply only to the 221 workforce housing units.*
- 3. Traffic Considerations: Vehicular access to the units comprising Phase I and Phase IA will be by way of Vandola Crescent Lane and/or Vandola Crescent Parkway (both internal development roads), and no parking will be permitted along Vandola Road. All units fronting on Vandola Road will have rear garages and driveways. This measure/design feature is aimed at reducing traffic on Vandola Road and maintaining neighborhood aesthetic.*
- 4. Childcare Proffer: The applicant is committed to reserving and dedicating one large corner lot within the development for the construction and operation of a non-profit childcare center.*

Staff finds that the additional proffers do not alter the requirements associated with the Special Use Permit from the original application in any considerable way.

Ninety (90) notices were mailed to property owners within 300 feet of the subject properties. Twenty-one (21) responses were received. Thirteen (13) responses were opposed, eight (8) were unopposed.

On March 9, 2026, the City Planning Commission voted 3-1-1 to approve Special Use Permit application PZ25-00424 filed by Blackstone Building Group, LLC to allow a waiver of lot frontage requirements Parcels 78585, 77925, 71138, 77918, 77919, 77920, 77921 and 77922 (Vandola Road, Riverside Drive and Kayewood Lane).

Planning staff continues to recommend denial. While the applicant indicated that the requested waiver pertains only to the "workforce housing" units, if approved, the Special Use Permit would apply to the entire development, and no regulatory safeguard would prevent the waiver from being used to create substandard lot frontages in future phases. Units with reduced lot width can negatively impact the long-term marketability of the development. Although the applicant has stated that density will not change because the total number of units remains the same, the physical form of the development becomes significantly more dense when units are placed on smaller lots. Narrower lot widths result in houses being located closer together, increasing the overall compactness and intensity of the development, regardless of the unit count.

#### **RECOMMENDATION**

Planning staff recommends denial of PZ25-00424 filed by Blackstone Building Group, LLC to allow a waiver of lot frontage requirements to sixteen (16) feet due to its incompatibility with the surrounding community, neighbor concerns, quality of housing options and lack of ownership/control of the Parcel ID 77925 (11 acres of the proposed project and approximately 175 units of the 221 units of the proposed workforce housing).

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#### **Attachments**

1. Ordinance - Granting Special Use Permit
-

2. Resolution - To Deny
  3. Application
  4. Vandola Crescent - Phase 1
  5. Vandola 2025 Aerials Map
  6. Vandola Owners Map
  7. Deed fm River Oak Church
  8. Assignment Agt River Oak Church
  9. Deed fm Scarce Land Co to Blackstone
  10. Planning Commission Recommendation
-

PRESENTED: \_\_\_\_\_

ADOPTED: \_\_\_\_\_

ORDINANCE NO. 2026\_\_\_\_.\_\_\_\_

AN ORDINANCE OF THE COUNCIL OF THE CITY OF DANVILLE, VIRGINIA GRANTING SPECIAL USE PERMIT APPLICATION PZ25-00424, FILED BY BLACKSTONE BUILDING GROUP, LLC TO ALLOW A WAIVER OF LOT FRONTAGE REQUIREMENTS ON PARCELS #78585, #77925, #71138, #77918, #77919, #77920, #77921 AND #77922 (VANDOLA ROAD, RIVERSIDE DRIVE AND KAYEWOOD LANE).

WHEREAS, in accordance with the Code of the City of Danville, Virginia, 1986, as amended, Blackstone Building Group, LLC, has requested a Special Use Permit for a waiver of lot frontage requirements at Parcel ID #78585, #77925, #71138, #77918, #77919, #77920, #77921 and #77922 (Vandola Road, Riverside Drive, and Kayewood Lane).

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 PZ25-00424, filed by Blackstone Building Group, LLC, requesting a Special Use Permit for waiver of lot frontage requirements at Parcel ID #78585, #77925, #71138, #77918, #77919, #77920, #77921 and #77922 (Vandola Road, Riverside Drive, and Kayewood Lane), is hereby received; and

BE IT FINALLY ORDAINED THAT, in consideration of said report and the public hearing this day held by Council, Special Use Permit Application PZ25-00424, filed by Blackstone Building Group, LLC, requesting a Special Use Permit for waiver of lot frontage requirements at Parcel ID #78585, #77925, #71138, #77918, #77919, #77920, #77921 and #77922 (Vandola Road, Riverside Drive, and

Kayewood Lane) of the City of Danville, Zoning District Map, is hereby granted and approved.

Approved:

---

Mayor

Attest:

---

Clerk

Approved as to  
Form and Legal Sufficiency:

---

City Attorney

PRESENTED: \_\_\_\_\_

ADOPTED: \_\_\_\_\_

RESOLUTION NO. 2026-\_\_\_\_\_

A RESOLUTION OF THE COUNCIL OF THE CITY OF DANVILLE, VIRGINIA DENYING SPECIAL USE PERMIT APPLICATION PZ25-00424, FILED BY BLACKSTONE BUILDING GROUP, LLC, REQUESTING A SPECIAL USE PERMIT TO ALLOW A WAIVER OF LOT FRONTAGE REQUIREMENTS IN ACCORDANCE WITH CHAPTER 41.2.F OF THE CODE OF THE CITY OF DANVILLE VIRGINIA, 1986, AS AMENDED, AT PARCEL ID #78585, #77925, #71138, #77918, #77919, #77920, #77921 AND #77922 IN THE MR, MULTI-UNIT RESIDENTIAL ZONE.

NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Danville, Virginia, that the report of the City Planning Commission recommending approval of Special Use Permit application PZ25-00424, filed by Blackstone Building Group, LLC, requesting a Special Use Permit to allow a waiver of lot frontage in accordance with Chapter 41.2.F of the Code of the City of Danville, Virginia, 1986, as amended, at Parcel ID #78585, #77925, #71138, #77918, #77919, #77920, #77921 and #77922; and

BE IT FINALLY RESOLVED that, in consideration of said report and the public hearing held this day by Council, Special Use Permit application PZ25-00424, filed by Blackstone Building Group, LLC, requesting a Special Use Permit to allow a waiver of lot frontage in accordance with Chapter 41.2.F of the Code of the City of Danville, Virginia, 1986, as amended, at Parcel ID #78585, #77925, #71138, #77918, #77919, #77920, #77921 and #77922, is hereby denied.

Approved:

---

Mayor

Attest:

---

City Clerk

Approved as to  
Form and Legal Sufficiency:

---

City Attorney


**DANVILLE, VA**

Describe Proposed Request: Waiver of minimum lot frontage requirements to allow lot widths  
of 16 feet throughout the Vandola Crescent development, inclusive of parcels identifiable as  
PIDs 78585, 77925, 71138, 77918, 77919, 77920, 77921, and 77922 (see attached Exhibit A  
with highlighted parcels to which this application applies).

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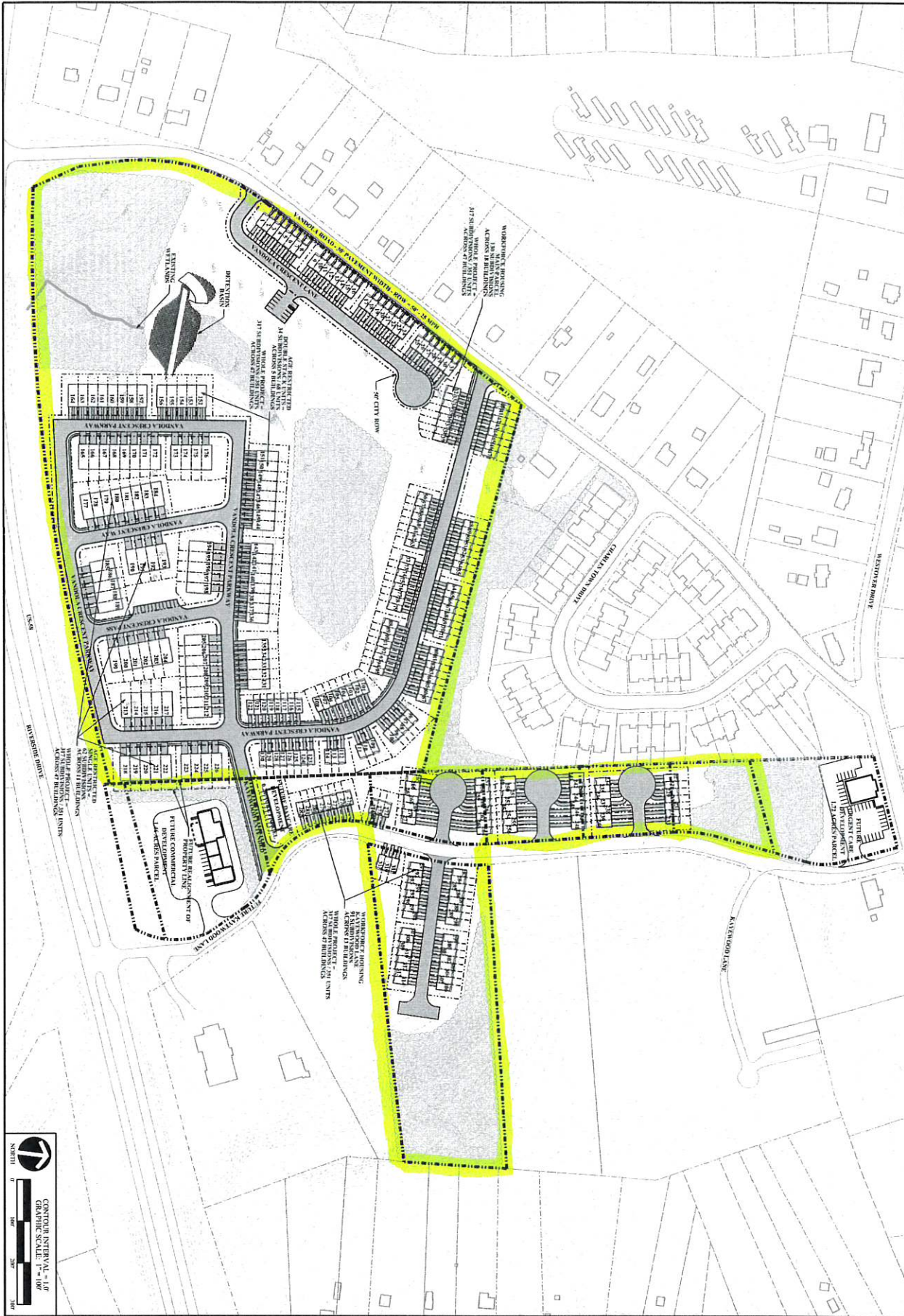
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 08/11/2025  
Applicant's Signature                      Date

\_\_\_\_\_  
Property Owner's Signature                      Date  
(if not applicant)

**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.



PROJECT MANAGER	EA
DESIGNED	EA
DRAWN	CA
DESIGN ILL.	DESIGNER
DATE	3/25
REVISIONS	

VANDOLA CRESCENT  
**PROPOSED MASTER SUBDIVISION PLAN  
 ALTERNATIVE A**  
 CITY OF DANVILLE, VIRGINIA

**WATERSHED**  
 CONSULTING  
 P.O. BOX 7216  
 RICHMOND, VA 23221  
 (804) 304-6699  
 WWW.WATERSHEDVA.COM

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

CITY ENGINEER \_\_\_\_\_

ZONING ADMINISTRATOR \_\_\_\_\_

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

SIGNED \_\_\_\_\_

NAME \_\_\_\_\_ TITLE \_\_\_\_\_

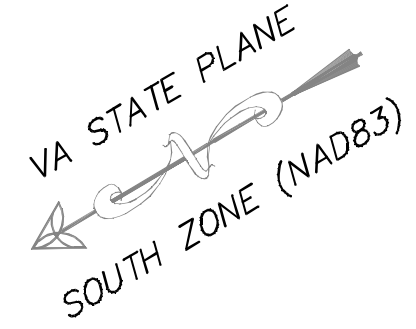
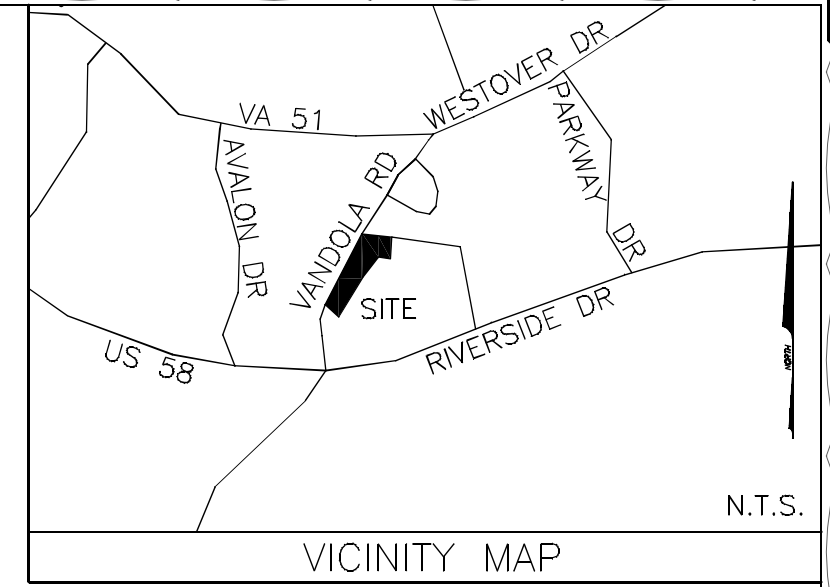
COMMONWEALTH AT LARGE TO WIT:  
STATE OF VIRGINIA  
COUNTY/ CITY OF \_\_\_\_\_  
I, \_\_\_\_\_, A  
NOTARY PUBLIC IN AND FOR THE STATE  
AFORESAID, DO HEREBY CERTIFY THAT THE  
OWNER:

\_\_\_\_\_  
WHOSE NAME  
(NAME) (TITLE)  
IS SIGNED HEREON HAS ACKNOWLEDGED THE  
SAME BEFORE ME THIS \_\_\_\_\_ DAY OF \_\_\_\_\_,  
20\_\_.

MY COMMISSION EXPIRES: \_\_\_\_\_

**NOTES:**

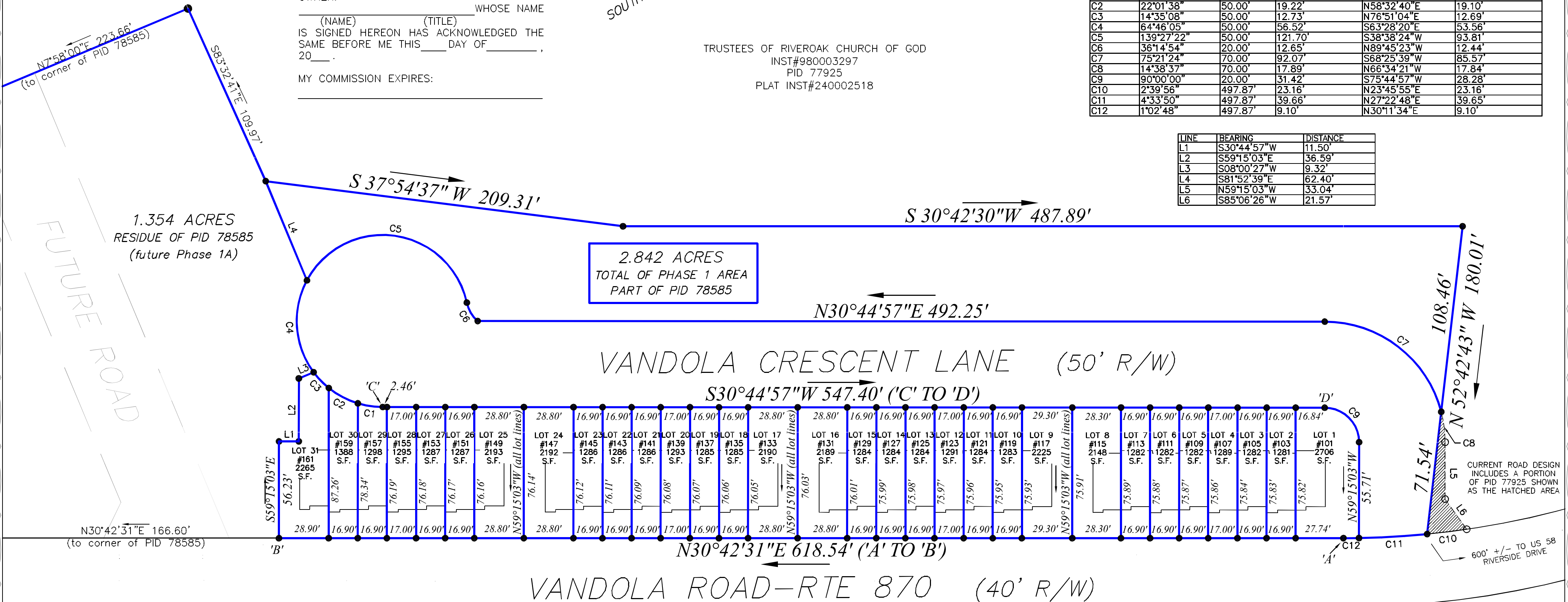
1. THIS PLAT HAS BEEN PREPARED FROM AN ACTUAL FIELD SURVEY AS PER DATE OF THIS PLAT AND THERE ARE NO READILY APPARENT EASEMENTS OR ENCROACHMENTS EXCEPT AS SHOWN.
2. THIS PLAT HAS BEEN PREPARED WITHOUT THE BENEFIT OF A TITLE REPORT AND THEREFORE, DOES NOT NECESSARILY SHOW ALL ENCUMBRANCES ON THE PROPERTY.
3. THE AREA SHOWN HEREON IS NOT LOCATED IN A 100 YEAR FLOOD HAZARD ZONE PER FEMA FLOOD MAP 51143C0626E EFFECTIVE SEPTEMBER 29, 2010.
4. THIS SURVEY DOES NOT ADDRESS THE EXISTENCE, DETECTION, OR DELINEATION OF ANY ENVIRONMENTALLY SENSITIVE AREAS OR ANY ENVIRONMENTAL PROBLEMS LOCATED ON THE SURVEYED PREMISES.
5. NOT ALL PHYSICAL IMPROVEMENTS ARE NECESSARILY SHOWN AS PART OF THIS SUBDIVISION PLAT. ONLY IMPROVEMENTS WHICH ENCROACH ON THE LINE OR ARE IN CLOSE PROXIMITY TO THE LINE ARE SHOWN.



TRUSTEES OF RIVEROAK CHURCH OF GOD  
INST#980003297  
PID 77925  
PLAT INST#240002518

CURVE	DELTA ANGLE	RADIUS	ARC LENGTH	CHORD BEARING	CHORD LENGTH
C1	16°46'54"	50.00'	14.64'	N39°08'24"E	14.59'
C2	22°01'38"	50.00'	19.22'	N58°32'40"E	19.10'
C3	14°35'08"	50.00'	12.73'	N76°51'04"E	12.69'
C4	64°46'05"	50.00'	56.52'	S63°28'20"E	53.56'
C5	139°27'22"	50.00'	121.70'	S38°38'24"W	93.81'
C6	36°14'54"	20.00'	12.65'	N89°45'23"W	12.44'
C7	75°21'24"	70.00'	92.07'	S68°25'39"W	85.57'
C8	14°38'37"	70.00'	17.89'	N66°34'21"W	17.84'
C9	90°00'00"	20.00'	31.42'	S75°44'57"W	28.28'
C10	2°39'56"	497.87'	23.16'	N23°45'55"E	23.16'
C11	4°33'50"	497.87'	39.66'	N27°22'48"E	39.65'
C12	1°02'48"	497.87'	9.10'	N30°11'34"E	9.10'

LINE	BEARING	DISTANCE
L1	S30°44'57"W	11.50'
L2	S59°15'03"E	36.59'
L3	S08°00'27"W	9.32'
L4	S81°52'39"E	62.40'
L5	N59°15'03"W	33.04'
L6	S85°06'26"W	21.57'



FUTURE ROAD

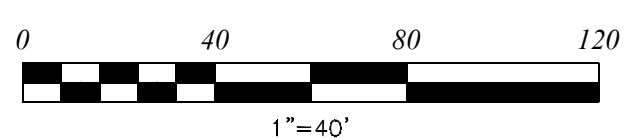
CURRENT ROAD DESIGN INCLUDES A PORTION OF PID 77925 SHOWN AS THE HATCHED AREA

**CITY OF DANVILLE SURVEYORS CERTIFICATE (SUBDIVISIONS):**  
SURVEYORS CERTIFICATE:  
I HEREBY CERTIFY THAT TO THE BEST OF MY KNOWLEDGE AND BELIEF, ALL OF THE REQUIREMENTS OF THE PLANNING COMMISSION AND CITY COUNCIL, AND ORDINANCES OF THE CITY OF DANVILLE, VIRGINIA, REGARDING THE PLATTING OF SUBDIVISIONS, DIVISIONS WITHIN THE CITY HAVE BEEN COMPLIED WITH GIVEN UNDER MY HAND THIS 9th DAY OF JULY, 2025.

JEFFREY B. CARR, LS #0403002480



**LEGEND**  
○ COMPUTED POINT  
RS ● REBAR SET  
S.F. SQUARE FEET



**SOURCE OF TITLE:**  
BLACKSTONE BUILDING GROUP, LLC  
INST# 240002555  
PID 78585

**PLAT OF REFERENCE:**  
INST# 240002518

---

DRAWN BY: JBC | DATE: JULY 9, 2025 | PROJECT #240384-2

SUBDIVISION PLAT SHOWING  
**VANDOLA CRESCENT  
PHASE 1**  
????????? DISTRICT, ?????????? COUNTY, VIRGINIA

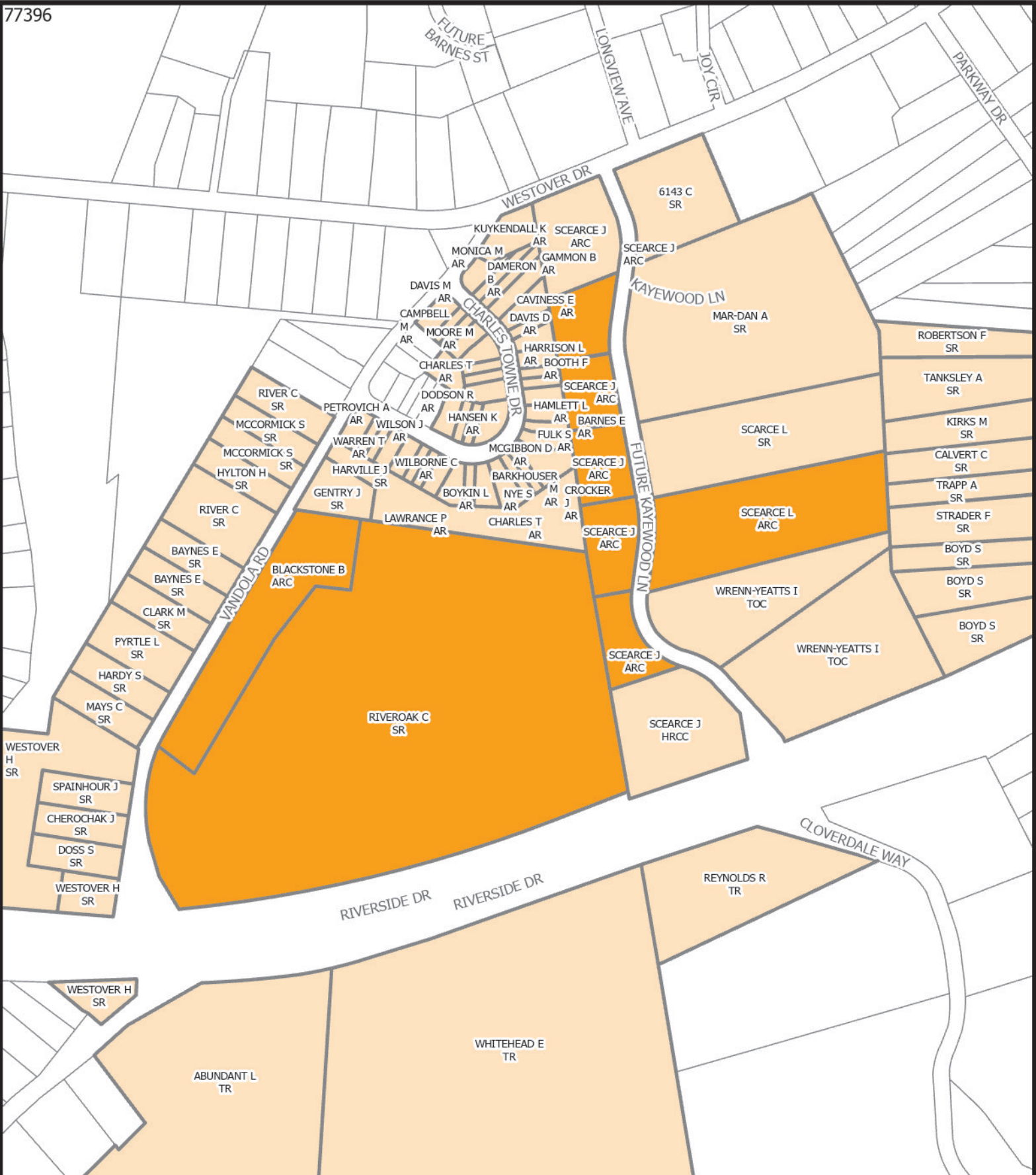


## 2025 AERIAL IMAGERY OF SUBJECT PROPERTY

Prepared by:  
Planning Division  
9/9/2025



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  
 9/9/2025



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.

25-4382

INSTRUMENT NO.  
CITY OF DANVILLE, VA

PG0030 DEC 15 19

**PID: 77925**

**THIS DEED EXEMPT FROM  
GRANTOR'S TAX  
PURSUANT TO §58.1-811(C)(6)**

**Prepared by/Return to:  
B. Cabell Barrow (VSB # 87299)  
P.O. Box 11111  
Danville, VA 24543**

**Sales Price: [REDACTED]  
Assessed Value: \$93,900.00  
Title Insurance Company: Chicago Title Insurance Company**

**Send Tax Bill To: MLCHVANDOLA LLC  
424 Memorial Drive, Apt. 226  
Danville, VA 24541**

**MLCHVANDOLA LLC**

**FROM: DEED**

**TRUSTEES OF RIVEROAK CHURCH OF GOD**

**THIS DEED OF BARGAIN AND SALE**, made this 12<sup>th</sup> day of December, 2025, by and between **JUDY JONES, HENRY STOWE, DAVID WILLIS, TRUSTEES OF RIVEROAK CHURCH OF GOD**, one and the same as **RIVER OAK CHURCH OF GOD, DANVILLE, VIRGINIA** and **RIVER OAK CHURCH OF GOD**, a Virginia unincorporated religious entity, parties of the first part and Grantors herein, and **MLCHVANDOLA LLC**, a Virginia limited liability company, party of the second part and Grantee herein.

**WITNESSETH:** That for and in consideration of the sum of Ten Dollars (\$10.00) cash in hand paid to the Grantors by the Grantee, and other good and valuable consideration, the receipt and sufficiency of all of which is hereby acknowledged by the Grantors, the Grantors do hereby bargain, sell, grant and convey, in fee simple with General Warranty and English Covenants of Title, unto the Grantee, all of Grantors' rights, title and interest in and to that certain lot or parcel of land, together

with improvements located thereon and appurtenances thereunto appertaining, situate in the City of Danville, Virginia, and more particularly described as follows:

ALL that certain lot, piece or parcel of land, lying and being in the City of Danville, Virginia, containing 26.780 Acres, more or less, more particularly described on plat entitled "River Oak Church of God Trustees, Plat Showing 2 Parcels of Land Lying Noth of Riverside Drive-Route 58", dated April 15, 2024, by JL Surveying, LLC, recorded July 15, 2024, in the Clerk's Office, Circuit Court, City of Danville, Virginia, as Instrument No. 24-2518.

BEING a portion of the same property conveyed to Trustees of Riveroak Church of God, by Deed from Elizabeth Wilson Whitehead, dated June 22, 1998, recorded June 23, 1998, in the Clerk's Office, Circuit Court, City of Danville, Virginia, as Instrument No. 98-3297.

Reference is here also made to that certain Order of the Circuit Court of the City of Danville, Virginia, entered August 13, 2013, in Case No. CL13-539, confirming David Willis as Trustee of River Oak Church of God, Order entered March 2, 2023, confirming Judy Jones and Henry Stowe as Trustees to serve along with David Willis in Case No. CL23-136, and Order entered July 1, 2024, in Case No. CL24-449, authorizing Judy Jones, Henry Stowe, and David Willis, Trustees of River Oak Church of God, Danville, Virginia, to convey the aforesaid property to the Grantee herein for [REDACTED]

This conveyance is made subject to all easements, rights-of-way, and restrictive covenants now of record or affecting the said property.

WITNESS the following signatures and seals all as of the day and year first written above:

**GRANTORS:**

**RIVEROAK CHURCH OF GOD,  
a Virginia unincorporated religious entity**

By: Judy Jones (SEAL)  
JUDY JONES, TRUSTEE

By: Henry Stowe (SEAL)  
HENRY STOWE, TRUSTEE

By: David R. Willis (SEAL)  
DAVID WILLIS, TRUSTEE

PG0032 DEC 15 13

COMMONWEALTH OF VIRGINIA

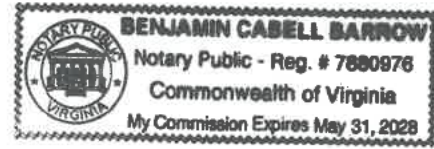
CITY/COUNTY OF DANVILLE, TO-WIT:

The foregoing Deed was sworn to and acknowledged before me this 12<sup>th</sup> day of December, 2025, by Judy Jones, Henry Stowe and Davis Willis, Trustees of Riveroak Church of God, a Virginia unincorporated religious entity, Grantor herein.

  
\_\_\_\_\_  
Notary Public

My commission expires: 9.31.2028

Notary Registration Number: 7480976



REFERENCE IS HERE ALSO MADE to Order entered August 13, 2013, in Case No. CL13-539, confirming David Willis as Trustee of River Oak Church of God, Order entered March 2, 2023, confirming Judy Jones and Henry Stowe as Trustees to serve along with David Willis in Case No. CL23-136, and Order entered July 1, 2024, authorizing Judy Jones, Henry Stowe, and David Willis, Trustees of River Oak Church of God, to convey the aforesaid property.

INSTRUMENT 250004382  
RECORDED IN THE CLERK'S OFFICE OF  
DANVILLE CIRCUIT COURT ON  
DECEMBER 15, 2025 AT 12:13 PM  
GERALD A. GIBSON, CLERK  
RECORDED BY: RDW

Receipt: 25000010707

COURT ADDRESS:  
P. O. BOX 3300  
DANVILLE, VA 24543  
PHONE #: 434-799-5168



OFFICIAL RECEIPT  
DANVILLE CIRCUIT COURT  
DEED RECEIPT

DATE : 12/15/2025      TIME : 12:29:37      CASE # : 590CLR2500004382  
RECEIPT # : 25000010707      TRANSACTION # : 25121500012  
CASHIER : RDW      REGISTER # : E873  
INSTRUMENT : 250004382      BOOK :  
GRANTOR : JONES, JUDY      PAGE :  
GRANTEE : MLCHVANDOLA LLC      FILING TYPE : DBS      PAYMENT : FULL PAYMENT  
RECEIVED OF : B CABELL BARROW PLLC      AT : 12:13  
ADDRESS : 424 MEMORIAL DR DANVILLE, VA 24541      EX : Y      LOC : CI  
CHECK : \$1,432.33      CHECK NUMBER : 4290      EX : N      PCT : 100%  
DESCRIPTION 1 : PRTY ---      NAMES : 0      PAGES : 003      OP : 0

CONSIDERATION : \$400,000.00      AVAL : \$93,900.00      PIN OR MAP : 77925

ACCOUNT CODE	DESCRIPTION	PAID	ACCOUNT CODE	DESCRIPTION	PAID
035	VIRGINIA OUTDOOR FOUNDATION	\$3.00	145	VSLF	\$3.50
036	DEED PROCESSING FEE	\$20.00	212	TRANSFER FEE	\$1.00
039	STATE GRANTEE TAX	\$1,000.00	214	CITY GRANTEE TAX	\$333.33
106	TECHNOLOGY TRST FND	\$5.00	301	CLERK RECORDING/INDEXING FEE	\$14.50

TENDERED : \$ 1,432.33  
AMOUNT PAID : \$ 1,380.33  
APPLIED TO NEXT CASE : \$ 52.00

PAYOR'S COPY

CLERK OF COURT : GERALD A. GIBSON

RECEIPT COPY 1 OF 2

## ASSIGNMENT, ASSUMPTION AND PURCHASE OPTION AGREEMENT

THIS ASSIGNMENT, ASSUMPTION AND PURCHASE OPTION AGREEMENT (this “**Agreement**”) is made as of December 15, 2025, by and between MLCHVANDOLA LLC, a Virginia limited liability company (“**MLCH**”), and Blackstone Building Group, LLC, a Virginia limited liability company, and Frederick R. Byers, II (Blackstone Building Group, LLC and Fredrick R. Byers, II, herein collectively, the “**Byers Parties**”).

### RECITALS

WHEREAS, the Byers Parties and the Riveroak Church of God Trustees entered into that certain Virginia Realtors Contract for Purchase of Unimproved Property (the “**Purchase Contract**”), dated March 6, 2024, under which Purchase Contract the Byers Parties agreed to acquire a total of 30.973 acres of unimproved property on Riverside Drive (and also fronting on Vandola Road) in the City of Danville, Virginia (the “**Contract Property**”), which Contract Property was, as of the Purchase Contract date, assigned Danville City Parcel ID No. 77925. Under the Purchase Contract, the purchase price for the Contract Property is [REDACTED]; and

WHEREAS, the Byers Parties intend to develop the Contract Property and construct a residential townhome community more commonly known as Valdola Crescent (the “**Project**”); and

WHEREAS, prior to the parties’ execution of this Agreement, Blackstone Building Group, LLC, in partial consummation of the Purchase Contract, subdivided the Contract Property and closed on and acquired, in exchange for [REDACTED] a portion of the Contract Property, containing 4.192 acres (the “**Vandola Parcel**”), by Deed dated July 12, 2024, of record in the Circuit Court Clerk’s Office for the City of Danville, Virginia as Instrument No. 24-2555, and following the hereinabove-referenced closing the Vandola Parcel was reassigned Parcel ID No. 78585; and

WHEREAS, since the closing on the Vandola Parcel as aforesaid, the Byers Parties have been unable to consummate the acquisition of the residue of the Contract Property, said residue containing 26.780 acres (the “**Church Property**”); the Church Property remains designated as Parcel ID No. 77925; and

WHEREAS, as an accommodation to the Byers Parties, and for the purpose of sustaining the development efforts relative to the Project, MLCH has agreed to purchase the Church Property from the sellers under the Purchase Contract for the balance of the purchase price outstanding, totaling [REDACTED], and to hold the Church Property for a limited time, with the ultimate intent of conveying the Church Property to the Byers Parties or any one of them, pursuant to the terms, conditions and obligations set forth in this Agreement.

### AGREEMENT

NOW, THEREFORE, in consideration of the foregoing recitals, which are hereby incorporated in this Agreement by reference, and in exchange for the mutual promises and covenants contained herein, and for other good and valuable consideration, the receipt and sufficiency of which are hereby acknowledged, which consideration specifically includes the sustenance of the Byers Parties’ Project development efforts, the parties agree as follows:

1. **Assignment of Contract.** The Byers Parties do hereby assign unto MLCH, and MLCH does hereby accept and assume all rights, title and interest of the Byers Parties in and to the Purchase Contract, together with all power and authority of the Byers Parties to act thereunder and consummate the transaction contemplated therein. MLCH shall immediately after execution and delivery of this Agreement, endeavor to consummate the acquisition of and take possession of the Church Property, and thereafter MLCH may from time to time and at all times peacefully and quietly have, hold, possess and enjoy the same and every part thereof to and for its own use and benefit without any manner of hindrance, interruption, claim or demand whatsoever of, from or by the Byers Parties or any person whomsoever, and with good and marketable title thereto, free and clear of or from any liens, subject only to the Option (as hereafter defined), rights, terms and accommodations extended to the Byers Parties as set forth in this Agreement.
2. **Holding Period, Option to Purchase.** MLCH does hereby agree that it (or an affiliate entity) shall hold the Church Property for a period of not more than one year (365 days) from the date of this Agreement (the “**Option Term**”), during which timeframe the Byers Parties (or an affiliate entity of the Byers Parties) shall have the exclusive right and option to purchase the Church Property from MLCH (the “**Option**”) at an agreed-upon net purchase price of [REDACTED]. For the avoidance of doubt, in the event the Byers Parties or any one of them exercise the Option within the Option Term, MLCH shall receive [REDACTED] at closing, with the Byers Parties defraying any and all closing costs associated with the contemplated transaction. The Byers Parties or any one of them may exercise the Option to purchase the Church Property by giving written notice to a member of MLCH, and, within the Option Term, depositing [REDACTED] with the Law Office of B. Cabell Barrow, PLLC.
3. **Failure to Exercise Option.** In the event the Byers Parties are unable or unwilling to, or otherwise do not, exercise the Option within the Option Term, which exercise of Option must expressly be accompanied by a deposit of the [REDACTED] purchase proceeds as set forth in Section 2 above, then the Option shall terminate and MLCH shall be under no further obligation to sell the Church Property to the Byers Parties, and MLCH shall thereafter hold, possess, enjoy, and be entitled to dispose of, develop or otherwise make beneficial use of the Church Property, at its sole election and in its sole discretion, free and clear of any claim or right inuring to the benefit of, or obligation to, the Byers Parties. In the event that the Byers Parties fail to exercise the Option during the Option Term, and the Byers Parties elect to discontinue Project development, then the Byers Parties shall deliver to MLCH any and all renderings, drawings, designs, site plans, investigation and study reports, plats, advertising materials, and all other documents related to the Project and generated or prepared by or on behalf of the Byers Parties prior to the Byers Parties discontinuance of pursuit of Project development efforts.
4. **Additional Consideration.** As additional consideration for the accommodations extended by MLCH to the Byers Parties, in the event the Byers Parties exercise the Option during the Option Term, the Byers Parties shall give, grant and assign to MLCH and/or its members, as the case may be, and MLCH shall accept, receive and become indefeasibly vested with one Preferred Membership Share in Vandola Crescent Workforce 1, LLC (the “**Share**”), which share shall be valued at [REDACTED] on the books of the company. For the avoidance of doubt, and for further clarification, the parties understand and agree that the Byers Parties, acting by and through Fredrick R. Byers, II, have undertaken and continue to endeavor to amend, revise and tailor the public offering related to the Project and membership opportunities in Vandola Crescent Workforce 1, LLC, and that other properties, investments and/or development opportunities may be incorporated into the final investment opportunity offered by Fredrick R. Byers, II, and irrespective of the nature, composition or scope of any such final

investment product or package, MLCH shall be entitled to a membership interest in the development opportunity offered by Fredrick R. Byers, II, the value of which shall total no less than [REDACTED].

5. **MLCH's Cooperation with Byers Parties.**

- a. **Applications and Permits.** MLCH agrees to cooperate fully with the Byers Parties, at no cost to MLCH, and at no additional fee payable by the Byers Parties to MLCH, in obtaining all governmental approvals, including, without limitation, promptly executing, delivering and/or submitting to the Byers Parties, or, at the Byers Parties' request, directly to the appropriate governmental authority, any and all permit/approval applications, easement/right-of-way agreements, Project agreements and/or other documentation relating to the governmental approvals and/or otherwise necessary, appropriate or requested in furtherance of the Byers Parties' Project development (each in form and substance satisfactory to the Byers Parties) which are required by the appropriate jurisdiction to be executed, submitted and/or issued by or in the name of the fee owner of the Church Property.
  
- b. **Project Agreements.** If the Byers Parties continued pursuit of Project development activities upon the Church Property requires that MLCH, in its capacity as owner thereof, enter into an operations and maintenance agreement, developer's agreement(s), landscape agreement(s), E&S agreement(s), land development agreement(s), NPDES permit(s) and/or agreement(s), VDOT permit(s) and/or agreement(s) or other similar development, operation and/or maintenance agreements (collectively, as applicable, "**Project Agreements**", and each individually a "**Project Agreement**"), MLCH shall, in its reasonable discretion, upon Byers Parties' request, at no cost to MLCH, and with no additional review/cooperation fee payable by the Byers Parties to MLCH, execute and deliver such Project Agreement(s) in form and substance approved by Byers Parties; provided, however, that MLCH shall have a reasonable amount of time to review and reasonably approve any such Project Agreement(s) (such review/approval not to be unreasonably withheld, conditioned or delayed) and require Byers Parties to sign an indemnity agreement to the extent the same will continue to encumber the Church Property, or impose (or have the potential to impose) continuing obligations or liabilities on MLCH beyond the expiration of the Option Term. MLCH further agrees to promptly deliver to the Byers Parties any notices received under any Project Agreements to the extent not also addressed to the Byers Parties. During the Option Term, the Byers Parties agree to perform any and all obligations imposed upon, and to assume any liabilities arising against MLCH under any Project Agreements relating exclusively to the development, use or occupancy of the Church Property as if the Byers Parties were the landowner, except for liabilities resulting from MLCH's gross negligence or willful misconduct, including, without limitation, MLCH's failure to promptly forward any notices received by MLCH under any Project Agreements and addressed solely to MLCH (and not to the Byers Parties), in which case MLCH shall be liable for any penalties, interest and/or additional fees/costs incurred by the Byers Parties as a result of delayed performance (but the Byers Parties shall remain obligated to complete all other obligations thereunder). The Byers Parties' assumption of obligations and liabilities arising during the Option Term under any Project Agreements shall survive the termination of the Option Term, until any such obligations or liabilities are satisfied and/or discharged, whether or not the option is exercised.

- c. **Entry Upon Property.** MLCH hereby grants to the Byers Parties and the Byers Parties' contractors, consultants, engineers, architects, surveyors, agents and representatives, the right, from and after MLCH's acquisition of the Church Property, through the conclusion of the Option Term, to enter upon the Church Property without unreasonably interfering with MLCH's use of the Church Property, during normal business hours or at such other reasonable times, for the purpose of completing the Byers Parties' due diligence investigations, studies, reports and tests, including, without limitation, preparing or obtaining surveys, drilling for soil tests, performing engineering or structural studies, obtaining geotechnical reports and for any other reasonable purpose to determine the suitability of the Church Property for the Project development. Prior to the Byers Parties or any of the Byers Parties' representatives entering onto the Church Property to conduct the inspections and investigations described above, the Byers Parties shall deliver to MLCH evidence that the Byers Parties have obtained (or Byers Parties' consultant has obtained) commercial general liability insurance having a combined single limit liability of not less than \$1,000,000 per occurrence and \$2,000,000 in the aggregate, with respect to the Church Property and any entry thereon by the Byers Parties or the Byers Parties' representatives. The Byers Parties agree to indemnify and hold MLCH free and harmless from any and all costs or liability incurred by reason of the Byers Parties entering upon the Church Property to perform Byers Parties' due diligence or other Project development activities.
6. **Memorandum of Agreement.** This Agreement shall not be recorded by either party, but a short form memorandum of Agreement (as applicable, the "**Memorandum of Agreement**") may be recorded at the option of either party. Each party hereby agrees to execute, acknowledge and deliver to the other party any Memorandum of Agreement so requested, in a form and substance mutually agreeable to the parties, to the end that the same may be recorded in the official land records of the jurisdiction in which the Church Property is located. The party requesting any such Memorandum of Agreement shall be solely responsible for any realty transfer taxes and/or recording fees that may be due as a result of the recordation thereof.
7. **Indemnification.** During the Option Term, the Byers Parties agree to indemnify, defend, and hold MLCH harmless from and against any and all actions, claims and demands arising out of the use, occupancy, construction on or non-use of the Church Property by the Byers Parties or the failure of the Byers Parties to maintain the Church Property as herein provided, including, without limitation, any liability arising out of or related to the Byers Parties' failure to comply with any federal, state, county or municipal environmental statute, ordinance, rule or regulation in connection with the Church Property, together with any acts, omissions, carelessness, negligence, or improper conduct by the Byers Parties or its agents, employees, business invitees, suppliers or licensees at or in connection with the Church Property, and any and all costs, expenses and fees, including reasonable outside attorneys' fees, incurred by MLCH incidental thereto. Notwithstanding the foregoing, the Byers Parties shall not be required to indemnify or save MLCH harmless from any such action, claim or demand arising out of, resulting from or directly relating to (i) MLCH's failure to perform any of its obligations under this Agreement, or (ii) the negligence or willful misconduct of MLCH or MLCH's agents or employees.
8. **Notices.** Any notice, demand, consent, authorization or other communication (collectively, a "**Notice**") which either party is required or may desire to give to, or make upon, the other party pursuant to this Agreement shall be effective and valid only if in writing, signed (including electronic and/or e-mail signature) by the party giving such Notice, and delivered (a) personally to the other party, (b) by electronic mail with read receipt, (c) by next day express courier or delivery service, providing for a receipt, or (d) by registered or certified mail of the United States

Postal Service, return receipt requested, addressed to the other Party as follows (or to such other address or person as either Party or person entitled to Notice may by notice to the other specify):

**If to MLCH:** MLCHVANDOLA LLC  
Attn: Wilson Walden  
733 River Park Drive  
Danville, VA 24540

**If to Byers Parties:** Fredrick R. Byers, II  
424 Memorial Drive  
Apt. 226  
Danville, VA 24541

Unless otherwise specified, Notices shall be deemed delivered when sent.

9. **Miscellaneous Provisions.**

- a. **Binding Effect; Successors and Assigns.** This Agreement shall be binding upon and inure to the benefit of the parties hereto and their respective successors and assigns.
- b. **Entire Agreement; Waiver; Modification.** This Agreement shall be deemed to include the entire agreement between the parties hereto and supersedes any oral statement and/or prior written matter between the parties with respect to the subject matter hereof, and no waiver of any right, agreement or condition hereof and no modification hereof shall be binding upon the parties hereto unless in writing and signed by the party to be charged therewith.
- c. **Headings.** The headings of particular Sections of this Agreement are inserted only for convenience and are in no way to be construed as part of this Agreement or as a limitation on the scope of the particular Sections to which they refer.
- d. **Partial Invalidity.** In the event any provision of this Agreement or part thereof shall be determined by any court of competent jurisdiction to be invalid, void or otherwise unenforceable, the remaining provisions hereunder, or parts thereof, shall remain in full force and effect and shall in no way be affected, impaired or invalidated thereby, it being understood that such remaining provisions shall be construed in a manner most closely approximating the intention of the parties with respect to the invalid, void or unenforceable provision or part thereof.
- e. **Construction.** Wherever used in this Agreement the singular shall include the plural, the plural the singular, and the use of any gender shall be applicable to all genders, together with a corporation or other entity, as may be appropriate.
- f. **Governing Law.** This Agreement shall be governed by and construed and enforced in accordance with the laws of the Commonwealth of Virginia, without regard to its conflicts of laws principles.
- g. **Time of the Essence.** Time shall be of the essence with regard to all time requirements contained in this Agreement.

- h. **Calculation of Time.** Any period of time referred to in this Agreement shall be so computed as to exclude the first day and include the last day of such period. If the last day of any such period shall fall on a Saturday or Sunday, or generally recognized bank holiday, then the period shall be deemed to end on the next business day.
- i. **No Joint Venture.** Nothing contained herein shall be deemed or construed by the parties hereto or by any third party as creating the relationship of principal and agent or of partnership or of joint venture between the Parties hereto.
- j. **No Implied Waivers.** The failure of any party to insist upon strict observance of any covenant, provision or condition of this Agreement in any one or more instances shall not constitute or be deemed a waiver, at that time or thereafter, of such or any other covenant, provision, or condition of this Agreement.
- k. **No Offer.** This Agreement shall become effective, and the parties shall become legally bound, only if and when executed by all parties hereto, and a fully executed copy has been delivered to each party.
- l. **Construction Against Drafting Party.** Neither this Agreement nor any provision hereof shall be construed against a party hereto because such party drafted it or caused it to be drafted.
- m. **Counterparts.** This Agreement may be executed in one or more counterparts, each of which shall be deemed to be an original, but all of which together shall constitute one and the same instrument. Signatures transmitted electronically will be binding upon the party transmitting such signature and such party will not use as a defense against the enforceability of this Agreement the lack of an original signature. Any party delivering an executed counterpart of this Agreement by electronic transmission may, at the request of the other party, deliver an original executed counterpart, but the failure to so deliver an original counterpart shall not affect the validity, enforceability or binding effect of this Agreement.
- n. **Confidentiality.** Except for any terms hereof which are set forth in a mutually agreed upon and recorded Memorandum of Agreement, the parties hereby acknowledge and agree to keep the terms and provisions set forth in this Agreement, including, without limitation, all financial terms (the “**Information**”) in strict confidence and shall not discuss, disclose or publish the Information other than to any employees, auditors, agents, accountants and/or attorneys who reasonably need to know it and who are directed to comply with the confidentiality requirements herein contained. The Information may also be disclosed: (a) to the extent that disclosure is required by regulatory requirement or judicial or administrative process or other requirement of law (including, without limitation, in order to satisfy the requirements of applicable securities or banking laws); (b) in connection with any action or proceeding to enforce or interpret this Agreement or any provision hereof; (c) to the extent that the Information is in the public domain through no fault of or cause by the disclosing party; or (d) to the extent otherwise expressly permitted by this Agreement or consented to in writing by the other party. The parties agree to treat as confidential and to use reasonable efforts to prevent the inadvertent disclosure of the Information and/or other proprietary information of either party delivered to the other pursuant to or in furtherance of the purposes of this Agreement.

- o. **Enforcement.** In the event of a party's breach of any of the terms of this Agreement or a party's nonperformance hereunder, the non-breaching or nonperforming party, as the case may be, shall be entitled to recover from the other respective party or parties all costs incurred in the enforcement of the terms of this Agreement, to include attorney's fees and all costs.
- p. **Force Majeure.** Whenever a period of time is herein prescribed for the taking of any action or fulfillment of any obligation contained herein neither party shall be deemed to have defaulted under or breached this Agreement, or otherwise be deemed liable or responsible for, any period of delay, hindrance, and/or prohibition of performance or action due to strikes, riots, Act of God, shortages of labor or materials, war, governmental laws, regulations, restrictions, delays, an outbreak and/or spread of an epidemic, pandemic, or other disease causing local, regional, or national emergency, or other unforeseen causes beyond the reasonable control of such party (as applicable, an "**Event of Force Majeure**"). For an event to qualify as an Event of Force Majeure, the delayed party must: (a) provide written notice to the other party of such Event of Force Majeure within a reasonable period of time after the occurrence of same, not to exceed five (5) business days following the occurrence of such Event of Force Majeure; (b) thereafter periodically (and in any event upon such other party's request from time to time) keep the other Party advised by notice of the status and/or continuation of such delays; and (c) use commercially reasonable efforts and diligence to effect the required performance as soon as reasonably possible following the elimination or expiration of such Event of Force Majeure. An Event of Force Majeure shall be deemed expired when the affected party is fully able to resume performance of the delayed action as provided or otherwise required herein. Provided that all requirements of this section are satisfied, the time required for the performance of the applicable act or obligation shall be extended for a period of time equivalent to the length of delay, hindrance, and/or prohibition caused by the Event of Force Majeure.

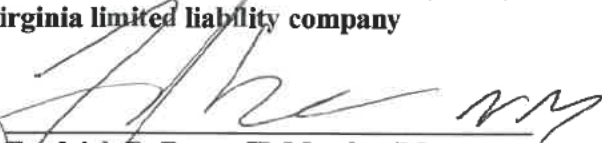
[SIGNATURES ON FOLLOWING PAGE]


IN WITNESS WHEREOF, the undersigned have executed and delivered this Assignment and Assumption and Option Agreement by their respective representatives, thereunto duly authorized, as of the date first above written.

**MCLHVANDOLA LLC,  
a Virginia limited liability company**

By:   
Lawrence Wilson Walden, Member/Manager

**BLACKSTONE BUILDING GROUP, LLC,  
a Virginia limited liability company**

By:   
Fredrick R. Byers, II, Member/Manager

  
Fredrick R. Byers, II, in his individual capacity

**PID: 71138**

**Prepared by/Return to:  
B. Cabell Barrow (VSB # 87299)  
P.O. Box 11111  
Danville, VA 24543**

**Sales Price:** [REDACTED]  
**Assessed Value:** \$10,400.00  
**Title Insurance Company:** Chicago Title Insurance Company

**Send Tax Bill To:** Blackstone Building Group, LLC  
424 Memorial Drive, Apt. 226  
Danville, VA 24541

**BLACKSTONE BUILDING GROUP, LLC**

**FROM: DEED**

**SCEARCE LAND COMPANY**

**THIS DEED OF BARGAIN AND SALE**, made this 6<sup>th</sup> day of January, 2025, by and between **KAYE W. ROGERS, CHARLES E. SCEARCE**, and **JAMES DAVID SCEARCE**, Trustees in Dissolution for **SCEARCE LAND COMPANY, L.L.C.**, formerly **SCEARCE LAND COMPANY**, a Virginia general partnership, parties of the first part and Grantors herein, and **BLACKSTONE BUILDING GROUP, LLC**, a Virginia limited liability company, party of the second part and Grantee herein.

**WITNESSETH:** That for and in consideration of the sum of Ten Dollars (\$10.00) cash in hand paid to the Grantors by the Grantee, and other good and valuable consideration, the receipt and sufficiency of all of which is hereby acknowledged by the Grantors, the Grantors do hereby bargain, sell, grant and convey, in fee simple with General Warranty and English Covenants of Title, unto the Grantee, all of Grantors' rights, title and interest in and to that certain lot or parcel of land, together

with improvements located thereon and appurtenances thereunto appertaining, situate in the City of Danville, Virginia, and more particularly described as follows:

BEGINNING at a point in the eastern margin of Woodland Drive, being the front common corners of Lots 25 and 26, as shown on the map herein after referred to; thence along Woodland Drive N. 10 degrees 50' E. 142.04 feet; thence N. 1 degrees 47-1/2' E. 155.99 feet; thence leaving Woodland Drive N. 83 degrees 02' E. 732.8 feet to a point; thence due South 250 feet to a point; thence S. 79 degrees 58' W. 770.7 feet to the point and place of beginning, containing 4.6 acres, more or less, and being all of Lot No. 25 as shown on Map Showing Survey of Tracts for ed Richardson Est., dated February 15, 1978, prepared by H.S. Peirce, Surveyor, and recorded in the Clerk's Office, Circuit Court, County of Pittsylvania, Virginia, in Map Book 24, page 13.

BEING the same property conveyed to Searce Land Company, a partnership consisting of Jasper E. Searce, Charles E. Searce and James David Searce, by Deed from Joe C. Richardson, Jr. and Francis S. Richardson, his wife, Ann Cox Shelton and Kenneth A. Shelton, her husband, Hubert A. Richardson and Grace M. Richardson, his wife, Clyde Odell Parrish and Mabel R. Parrish, his wife, William Edward Parrish and Sarah M. Parrish, his wife, James Cephas Parrish and Virginia F. Parrish, his wife, and Louise B. Seymore, widow, dated May 10, 1978, recorded June 13, 1978, in the Clerk's Office, Circuit Court, County of Pittsylvania, Virginia, in Deed Book 652, page 596.

This conveyance is made subject to all easements, rights-of-way, and restrictive covenants now of record or affecting the said property.

[REMAINDER INTENTIONALLY BLANK. SIGNATURE TO APPEAR ON FOLLOWING PAGE.]

WITNESS the following signatures and seals all as of the day and year first written above:

**GRANTORS:**

Kaye W. Rogers (SEAL)  
KAYE W. ROGERS, Trustee in Dissolution  
for Searce Land Company, L.L.C., formerly Searce Land  
Company, a Virginia general partnership

Charles E. Searce (SEAL)  
CHARLES E. SCEARCE, Trustee in Dissolution  
for Searce Land Company, L.L.C., formerly Searce Land  
Company, a Virginia general partnership

\_\_\_\_\_  
(SEAL)  
JAMES DAVID SCEARCE, Trustee in Dissolution  
for Searce Land Company, L.L.C., formerly Searce Land  
Company, a Virginia general partnership

COMMONWEALTH OF VIRGINIA

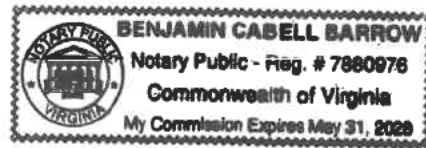
CITY OF DANVILLE, TO-WIT:

The foregoing Deed was sworn to and acknowledged before me this <sup>7th</sup> 6<sup>th</sup> day of  
January, 2025, by Kaye W. Rogers, Trustee in Dissolution for Searce Land Company,  
L.L.C., formerly Searce Land Company, a Virginia general partnership, Grantor herein.

[Signature]  
Notary Public

My commission expires: 5.31.2028

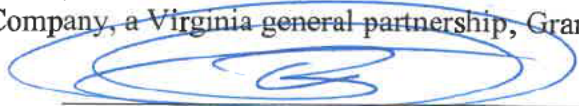
Notary Registration Number: 7880976



COMMONWEALTH OF VIRGINIA

CITY OF DANVILLE, TO-WIT:

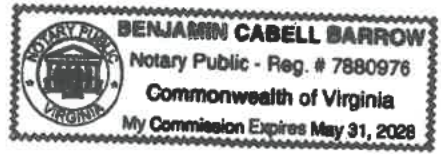
The foregoing Deed was sworn to and acknowledged before me this 6<sup>th</sup> day of January, 2025, by Charles E. Scarce, Trustee in Dissolution for Scarce Land Company, L.L.C., formerly Scarce Land Company, a Virginia general partnership, Grantor herein.



\_\_\_\_\_  
Notary Public

My commission expires: 5.31.2028

Notary Registration Number: 7880976



COMMONWEALTH OF VIRGINIA

CITY OF DANVILLE, TO-WIT:

The foregoing Deed was sworn to and acknowledged before me this \_\_\_\_ day of January, 2025, by James David Scarce, Trustee in Dissolution for Scarce Land Company, L.L.C., formerly Scarce Land Company, a Virginia general partnership, Grantor herein.

\_\_\_\_\_  
Notary Public

My commission expires: \_\_\_\_\_

Notary Registration Number: \_\_\_\_\_



**CITY OF DANVILLE**  
**Community Development**  
**Division of Planning and Zoning**

**MEMORANDUM**

**DATE:** MARCH 9, 2026  
**TO:** CITY COUNCIL  
**FROM:** CITY PLANNING COMMISSION  
**RE:** SPECIAL USE PERMIT REQUEST PZ25-00424

*Special Use Permit application PZ25-00424 filed by Blackstone Building Group, LLC to allow a waiver of lot frontage requirements Parcels 78585, 77925, 71138, 77918, 77919, 77920, 77921 and 77922 (Vandola Road, Riverside Drive and Kayewood Lane).*

**RECOMMENDATION**

The Planning Commission, at their March 9, 2026, meeting voted 3-1-1 to recommend approval of Special Use Permit request PZ25-00424.

   
Mr. Jimmy Bolton, Vice Chair

# Council Letter City of Danville, Virginia



CL - 2600

NEW BUSINESS C.

## City Council REGULAR MEETING

**Meeting Date:** April 7, 2026

**Subject:** Special Use Permit Application filed by Da Ville Management LLC to Allow Indoor Commercial Recreation at 401 South Ridge Street.

**From:** Renee Burton, Division Director of Planning

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## COUNCIL ACTION

1. Public Hearing
2. An Ordinance of the Council of the City of Danville, Virginia Granting Special Use Permit PZ26-00194 filed by Da Ville Management LLC to Allow Indoor Commercial Recreation at Parcel 22399 (401 South Ridge Street); OR
3. A Resolution of the Council of the City of Danville, Virginia Denying Special Use Permit PZ26-00194 filed by Da Ville Management LLC to Allow Indoor Commercial Recreation at Parcel ID #22399 (401 South Ridge Street).

## SUMMARY

Following the City Planning Commission's split recommendation, consider allowing a restaurant to provide entertainment and events with restrictions at 401 South Ridge Street.

## BACKGROUND

The applicant, Kafe Da Ville, is requesting a Special Use Permit to allow indoor commercial recreation at 401 South Ridge Street. The property is zoned RD, River District and is currently in operation as a restaurant. The applicant has requested a Special Use Permit to allow them to expand the restaurant operations to include entertainment, music events, and private parties. Operation of a facility that requires payment to attend events or have meetings is deemed indoor commercial recreation by the Unified Development Code and a Special Use Permit is required.

The property is surrounded by a mix of commercial and light industrial uses, with a multi-unit residential building located to the north, and is designated Downtown Mixed Use on the Future Land Use Map, which supports commercial and entertainment activities.

The application states that the entertainment use would be limited to funeral repasts, community meetings, and private family events, with hours of 6:00 A.M. to 10:00 P.M. The property holds a Certificate of Occupancy for 156 persons and has adequate parking for both restaurant and commercial recreation uses.

The subject property, 401 South Ridge Street, has an extensive history of violation activities over the past ten (10) months. Multiple events were held without the required Special Use Permit. Repeated zoning violation notices were sent during 2025 and early 2026. A final notice was issued on February 2, 2026, after which the applicant contacted the Planning Office to apply for the Special Use Permit. The following list represents a timeline of zoning violation notices issued to the applicant and the subsequent events that continued to occur despite the notices. This sequence shows that, even after

being formally notified on multiple occasions that a Special Use Permit was required, the applicant proceeded to hold additional events without approval.

- Zoning Violation Letter – June 2, 2025
- Zoning Violation Letter – October 24, 2025
- Halloween Event held October 31, 2025
- Private Event – December 15, 2025
- Christmas Bash – December 26, 2025
- Zoning Violation Letter – December 30, 2025
- First Fridays Event – January 2, 2026
- Final Notice – February 2, 2026

Staff found these events publicly advertised on social media platforms, further confirming they were promoted and conducted without the required Special Use Permit. Because staff's verification relied on publicly advertised material, it is possible that additional unpermitted events occurred that were not promoted on social media.

The chain of events displays a clear and ongoing pattern of violation. Whether due to inexperience or disregard, the applicant and the property owner have allowed the business to continue operating in violation of City code despite receiving multiple violation notices over an extended period. This pattern of noncompliance not only raises substantial concerns regarding future adherence to any conditions that may be imposed through a Special Use Permit but also reflects an unwillingness to operate within the standards expected of businesses within the City.

Thirty-five (35) notices were sent out to property owners within three hundred (300) feet. Nine (9) responses were received. Five (5) were unopposed, four (4) were opposed.

On March 9, 2026, the City Planning Commission voted 4-1 to approve Special Use Permit PZ26-00194 filed by Da Ville Management LLC to allow indoor commercial recreation at Parcel 22399 (401 South Ridge Street) with the following conditions:

1. The hours of operation be set to 6:00 a.m. to 10:00 p.m.
2. The applicant must have security on site for all events.

Planning staff continues to recommend denial. During the March 9, 2026 Planning Commission meeting, the applicant made multiple statements that did not align with the City's documented records. These inconsistencies are summarized below to preserve an accurate and complete record:

1. The applicant stated that the restaurant did not open until December 4, 2025. However, staff has verified multiple social media posts advertising food specials and restaurant operations in November 2025, indicating that the establishment was active prior to the date stated.
2. The applicant stated that zoning violation notices were issued due to the advertising of events. This assertion is inconsistent with the explicit language in the violation letters: "This property is located within the CBC Central Business District. Event operations within the CBC district require a Special Use Permit. Please contact our office immediately to rectify these violations."

These inconsistencies add to staff's concerns about the applicant's understanding of and compliance with zoning requirements.

### **RECOMMENDATION**

Planning staff recommends denial of Special Use Permit application PZ26-00194 to allow indoor commercial recreation at Parcel 22399 (401 South Ridge Street). The applicant's repeated operation of unpermitted events, despite multiple zoning violation notices, raises concerns about the applicant's intention to comply with the requirements of the Unified Development Code.

---

### **Attachments**

1. Ordinance - Granting Special Use Permit
-

2. Resolution - To Deny
  3. Application
  4. 401 S Ridge - 2025 Aerials Map
  5. 401 S Ridge - Owners Map
  6. November 17 Ad
  7. November 23 Ad
  8. Christmas Event Ad
  9. DJ Battle 10.26.25
  10. New Years Ad
  11. New Years Event Ad 2
  12. Kafe Da Ville Halloween
  13. Kafe Da Ville Party
  14. Zoning Violation 401 S Ridge Street
  15. Zoning Violation 401 S Ridge Street 2
  16. Zoning Violation 401 S Ridge Street 3
  17. Zoning Violation 401 S Ridge Street 4
  18. 401 S Ridge Street Final Notice
  19. Planning Commission Recommendation
-

PRESENTED: \_\_\_\_\_

ADOPTED: \_\_\_\_\_

ORDINANCE NO. 2026\_\_\_\_.\_\_\_\_

AN ORDINANCE OF THE COUNCIL OF THE CITY OF DANVILLE, VIRGINIA GRANTING SPECIAL USE PERMIT PZ26-00194 FILED BY DA VILLE MANAGEMENT LLC TO ALLOW INDOOR COMMERCIAL RECREATION AT PARCEL 22399 (401 SOUTH RIDGE STREET).

WHEREAS, in accordance with the Code of the City of Danville, Virginia, 1986, as amended, Da Ville Management, LLC, has requested a Special Use Permit to allow Indoor Commercial Recreation at Parcel ID #22399 (401 South Ridge Street).

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 PZ26-00194, filed by Da Ville Management, LLC, has requested a Special Use Permit to allow Indoor Commercial Recreation at Parcel ID #22399 (401 South Ridge Street), is hereby received, subject to the following conditions:

1. The hours of operation be set to 6:00 a.m. to 10:00 p.m.
2. The applicant must have security on site for all events.

AND BE IT FINALLY ORDAINED THAT in consideration of said report and the public hearing this day held by Council, Special Use Permit Application PZ26-00194, filed by Da Ville Management, LLC, has requested a Special Use Permit to allow Indoor Commercial Recreation at Parcel ID #22399 (401 South Ridge Street) of the City of Danville, Zoning District Map, is hereby granted and approved, subject to the following conditions:

1. The hours of operation be set to 6:00 a.m. to 10:00 p.m.
2. The applicant must have security on site for all events.

Approved:

---

Mayor

Attest:

---

Clerk

Approved as to  
Form and Legal Sufficiency:

---

City Attorney

PRESENTED: \_\_\_\_\_

ADOPTED: \_\_\_\_\_

RESOLUTION NO. 2026-\_\_\_\_\_

A RESOLUTION OF THE COUNCIL OF THE CITY OF DANVILLE, VIRGINIA DENYING SPECIAL USE PERMIT PZ26-00194 FILED BY DA VILLE MANAGEMENT LLC TO ALLOW INDOOR COMMERCIAL RECREATION AT PARCEL ID #22399 (401 SOUTH RIDGE STREET).

NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Danville, Virginia, that the report of the City Planning Commission recommending approval of Special Use Permit application PZ26-00194, filed by Da Ville Management, LLC, requesting a Special Use Permit to allow indoor commercial recreation at Parcel ID #22399 (401 South Ridge Street), is hereby received; and

BE IT FINALLY RESOLVED that in consideration of said report and the public hearing held this day by Council, Special Use Permit application PZ26-00194, filed by Da Ville Management, LLC, requesting a Special Use Permit to allow indoor commercial recreation at Parcel ID #22399 (401 South Ridge Street), is hereby denied.

Approved:

\_\_\_\_\_  
Mayor

Attest:

\_\_\_\_\_  
City Clerk

Approved as to  
Form and Legal Sufficiency:

---

City Attorney

**DANVILLE, VA**

- 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.

Property Location: 401 S. RIDGE ST, DANVILLE VA 24541

Describe Proposed Request: SEE ATTACHMENT

\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

 \_\_\_\_\_ 2/9/26 \_\_\_\_\_  
Applicant's Signature Date

**Lovrico Johnson**

Commonwealth of Virginia  
City of Danville

The foregoing instrument was acknowledged before me this \_\_\_\_\_ day of \_\_\_\_\_, 20\_\_\_\_  
by \_\_\_\_\_

\_\_\_\_\_  
Notary Public

Registration No.: \_\_\_\_\_ Expires: \_\_\_\_\_

*[Handwritten Signature]*

Owner's Signature  
(# not applicant)

DANVILLE, VA

2-29-26

Date

Commonwealth of Virginia

City of Danville

The foregoing instrument was acknowledged before me this 9<sup>th</sup> day of February, 2026

by Lisa Kingery Jones

Lisa Kingery Jones

Notary Public

Registration No.:

7753419

Expires:

05/31/2029

Lisa Kingery Jones  
NOTARY PUBLIC  
Commonwealth of Virginia  
Reg. # 7753419  
My Commission Expires 05/31/2029



**Jones, Lisa K.**

---

**From:** Da Ville Management LLC <kafedaville@gmail.com>  
**Sent:** Monday, February 9, 2026 1:45 PM  
**To:** Jones, Lisa K.  
**Subject:** Description section of Special Use Permit App

**CAUTION:** This is an external email. Do not click links or open attachments unless you're sure it's safe. When in doubt, click the Phish Alert Button.

City of Danville  
Community Development Department  
Division of Planning and Zoning  
427 Patton Street  
Danville, VA 24541

Re: Special Use Permit Application  
Property: 401 South Ridge Street, Danville, VA 24541

Dear Planning and Zoning Staff and Members of the Planning Commission,

I am writing on behalf of Kafe Da Ville Bar and Grill Inc., a locally owned, full-service restaurant operating at 401 South Ridge Street in the City of Danville. We respectfully submit this application for a Special Use Permit to allow limited commercial recreation (indoor) in conjunction with our existing restaurant operations.

Kafe Da Ville is a full-service dining establishment focused on quality cuisine, hospitality, and community service. Since opening, we have experienced consistent demand for private gatherings and structured events that are directly connected to surrounding community and hospitality partners.

A primary purpose of this request is to allow us to accommodate funeral repasts and private family gatherings for Fisher & Watkins Funeral Home, which is located immediately adjacent to our property. Families regularly seek a nearby, respectful, and comfortable setting for meals and gatherings following funeral services. Without an approved Special Use Permit, we are currently unable to fully meet this community need, resulting in lost business and limited service availability.

In addition, Kafe Da Ville regularly serves dinner guests and visitors from nearby hospitality destinations, including Caesars Palace Hotel & Casino, located approximately 2.5 to 3 miles from the restaurant. Many visitors seek a full-service dining experience in the surrounding area, and this permit would allow us to better serve those guests in a structured, supervised manner consistent with restaurant operations.

The requested Special Use Permit would allow:

- Funeral repasts and private family gatherings
- Community and organizational meetings
- Evening cultural dining experiences such as jazz sets, acoustic performances, and similar low-impact

events

Kafe Da Ville plans to open to the general public at 3:30 PM daily, while accommodating scheduled repasts and private gatherings earlier in the day. The business does not currently offer alcoholic privileges, and all activities are conducted indoors, pre-scheduled, supervised, and family-oriented. No nightclub-style operations, late-night disturbances, or disruptive activities are proposed.

We believe this request aligns with the intent of the RD River zoning district, supports neighborhood compatibility, enhances economic activity, and provides an important community service. We respectfully request favorable consideration of this application.

Thank you for your time and consideration.

Sincerely,

Tiffany Cooper  
Secretary  
Kafe Da Ville Bar and Grill Inc.  
401 South Ridge Street  
Danville, VA 24541  
(434) 228-7505

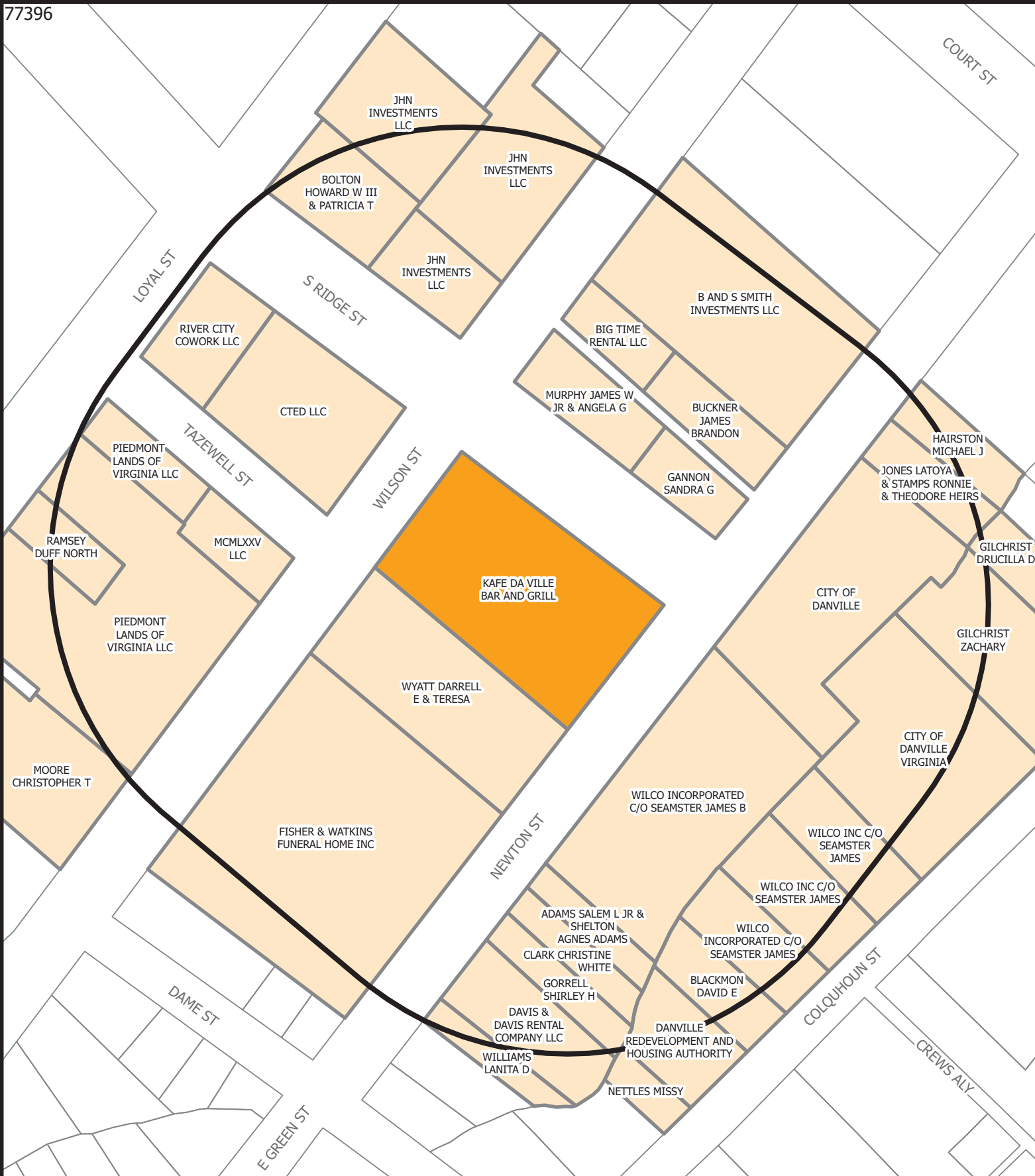


## 2025 AERIAL IMAGERY OF SUBJECT PROPERTY

Prepared by:  
Planning Division  
2/20/2026



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  
2/20/2026



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.





kafedaville



kafedaville Starts @ 7pm 2Nite Cowboys vs Raiders

November 17, 2025



SUNDAY NOVEMBER 23

WATCH PARTY

4:25PM

# EAGLES vs COWBOYS



## Kafe Da Ville

BAR AND GRILL

OXTAILS, RED SNAPPER, CURRY CHICKEN WITH RICE/PEAS AND CABBAGE

**FOOD & DRINK \$20 / \$0.50 WINGS**

401 S RIDGE ST DANVILLE VA 24541



kafedaville Doors Open at 12:30pm

November 21, 2025



**Kafe Da'Ville**

5d · 🌐



DM me for your invites. Dinner with LIVE ENTERTAINMENT by DJ B-STUPID AND JADAH PEARL !!



👍 26    💬 16    ➦ 6





Wallace Saunders is with LW Hughes and 4 others.



Oct 26, 2025 ·

**Dj battle at Kafe Da  
Ville... Dj Juice  
versus Dj Splack!!  
Come on down to  
401 South Ridge  
Street! We here!**



1





# Kafé Da Ville

BAR AND GRILL

FIRST FRIDAYS  
NEW YEAR  
Dinner & Vibes

FEATURING

DjB-Stupid



FRIDAY, JANUARY 2

DOORS OPEN 7PM

ADVANCE TICKETS \$20 • \$25 AT THE DOOR

401 S. RIDGE ST., DANVILLE, VA 24541

(434) 207-8383

Kafe Da'Ville

7 MINUTES AGO



2



2



435



# Kafé Da Ville

BAR AND GRILL

FIRST FRIDAYS  
NEW YEAR  
*Dinner & Vibes*

FEATURING

*DjB-Stupid*



**FRIDAY, JANUARY 2**

DOORS OPEN 7PM

ADVANCE TICKETS \$20 • \$25 AT THE DOOR

401 S. RIDGE ST., DANVILLE, VA 24541

(434) 207-8383

**Kafe Da'Ville**

TUE AT 12:10 PM

👍 45

💬 2

👉 24

📍 05 📞 435

ADVANCE TICKETS \$25  
COSTUMES ARE A MUST!

BOOTHS & TABLES AVAILABLE  
FOOD, DRINKS & MUSIC

**\$100**  
**BEST COSTUME**



32



3



**Kafe Da'Ville** 🌐

🎵 - Original audio Kafe

Following ▾



11



**Kafe Da Ville**  
BAR AND GRILL

DOORS OPEN AT 7PM ☎️ 434.207.8383

**\$20 DINNER ENTRY! ALL LADIES FREE**

401 S RIDGE ST DANVILLE VA 24541



1



Kafe Da'Ville

🎵 original audio Kafe Da

Following ▾





**CITY OF DANVILLE**  
Community Development  
Division of Planning and Zoning

June 2, 2025

KAFE DA VILLE BAR AND GRILL  
1984 CAMP SPRINGS ROAD  
REIDSVILLE, NC 27320

RE: Zoning Violation at 401 S RIDGE STREET

Dear Property Owner:

The purpose of this letter is to inform you of a violation of the Zoning Code at 401 S Ridge Street. Commercial Recreation Establishment at the above location are being conducted without a City of Danville Business License and/or Zoning Clearance. Operations at this location must cease until these violations are resolved.

Please note that this property is located within the CBC Central Business District. Event operations within the CBC district require a Special Use Permit. Please contact our office immediately to rectify these violations.

You have Ten (10) DAYS from the date of this letter to comply with the provisions of the Code. If you have any questions, please contact me at (434) 799-5260. X2502.

Sincerely,

Renee Burton  
Division Director of Planning  
Community Development Department  
[burtotr@danvilleva.gov](mailto:burtotr@danvilleva.gov)







**CITY OF DANVILLE**  
Community Development  
Division of Planning and Zoning

October 24, 2025

KAFE DA VILLE BAR AND GRILL  
1984 CAMP SPRINGS ROAD  
REIDSVILLE, NC 27320

RE: Zoning Violation at 401 S RIDGE STREET

Dear Property Owner:

It has been brought to our attention that you are hosting a Halloween event on October 31, 2025. It is an event in which people are being charged to participate in. Please know that this is prohibited within the CBC Central Business District without a Special Use Permit.

Please contact our office immediately to rectify this violation at (434) 799-5260 x2502.

Sincerely,

Renee Burton  
Division Director of Planning  
Community Development Department  
[burtotr@danvilleva.gov](mailto:burtotr@danvilleva.gov)







**CITY OF DANVILLE**  
Community Development  
Division of Planning and Zoning

December 30, 2025

KAFE DA VILLE BAR AND GRILL  
C/O LOVRICO ANTOR JOHNSON  
1984 CAMP SPRINGS ROAD  
REIDSVILLE, NC 27320

RE: Zoning Violation at 401 S RIDGE STREET

Dear Property Owner:

It has been brought to our attention that you hosted an event on December 26, 2025, and charged an entry fee. An event in which people are being charged to participate in meets the definition of Commercial Recreation (indoors). A Commercial Recreation (indoors) use is prohibited within the CBC Central Business District without a Special Use Permit.

Please contact our office immediately to rectify this violation at (434) 799-5260 x2502.

Sincerely,

Renee Burton  
Division Director of Planning  
Community Development Department  
[burtotr@danvilleva.gov](mailto:burtotr@danvilleva.gov)

DANVILLE, VA







**CITY OF DANVILLE**  
Community Development  
Division of Planning and Zoning

December 30, 2025

KAFE DA VILLE BAR AND GRILL  
C/O LOVRICO ANTOR JOHNSON  
1984 CAMP SPRINGS ROAD  
REIDSVILLE, NC 27320

RE: Zoning Violation at 401 S RIDGE STREET

Dear Property Owner:

It has been brought to our attention that you intend to host an event on December 31, 2025, and charge an entry fee. An event in which people are being charged to participate in meets the definition of Commercial Recreation (indoors). A Commercial Recreation (indoors) use is prohibited within the CBC Central Business District without a Special Use Permit.

Please contact our office immediately to rectify this violation at (434) 799-5260 x2502.

Sincerely,

Renee Burton  
Division Director of Planning  
Community Development Department  
[burtotr@danvilleva.gov](mailto:burtotr@danvilleva.gov)

Kafe Da'Ville  
BAR AND GRILL

FIRST FRIDAYS  
NEW YEAR  
*Dinner & Vibes*

FEATURING  
*DjB-Stupid*

FRIDAY, JANUARY 2  
DOORS OPEN 7PM

ADVANCE TICKETS \$20 • \$25 AT THE DOOR

401 S. RIDGE ST., DANVILLE, VA 24541  
(434) 207-8383

Kafe Da'Ville







# CITY OF DANVILLE

## Community Development Division of Planning and Zoning

### FINAL NOTICE

February 2, 2026

Kafe Da'Ville Bar and Grill  
C/O Amelia Kent  
401 S RIDGE STREET  
DANVILLE, VA 24541

**RE: 401 S. Ridge Street**

Dear Property Owner:

The City of Danville's Planning and Zoning Division has previously inspected the above-referenced property and found it to be in violation of the City's Zoning Ordinance. A Notice of Violation was mailed to you on October 24, 2025. The specific violation was discovered, were as follows:

- *Operation of an indoor commercial recreation facility without a Special Use Permit in compliance with Article 3 - Uses and Use Standards.*

**YOU ARE HEREBY NOTIFIED THAT YOU MUST COMPLY IMMEDIATELY WITH THE ZONING ORDINANCE OR TO NOTIFY THE CITY OF YOUR INTENTIONS TO DO SO.**

The following action(s) are required for you to bring your property into compliance with the Zoning Ordinance:

- Cease operation of an Indoor Commercial Recreation Facility
- Apply for a Special Use Permit for Indoor Commercial Recreation

Failure to correct any zoning violation will result in the City of Danville taking action to abate such violation(s) in accordance with law. This may result in legal action against you, which could subject you to civil penalties ranging from \$200 to \$5,000.

Our department strives to fairly and justly enforce the provisions of the Zoning Ordinance of the City of Danville. However, this is not possible without your full cooperation.

**DANVILLE, VA**

Therefore, if you wish to discuss this letter, please contact me by phone or email. Thank you for your cooperation in promptly eliminating the violation(s).

Sincerely,



Renee Burton

Division Director of Planning

[Burtotr@danvilleva.gov](mailto:Burtotr@danvilleva.gov)

434-799-5260 Ext. 2502



# CITY OF DANVILLE

Community Development  
Division of Planning and Zoning

## MEMORANDUM

DATE: MARCH 9, 2026  
TO: CITY COUNCIL  
FROM: CITY PLANNING COMMISSION  
SPECIAL USE PERMIT REQUEST PZ26-00194

Special Use Permit PZ26-00194 filed by Da Ville Management LLC to allow indoor commercial recreation at Parcel 22399 (401 South Ridge Street).

## RECOMMENDATION

The Planning Commission, at their March 9, 2026, meeting voted 4-1 to recommend approval of Special Use Permit request PZ26-00194 with the following conditions:

1. The hours of operation be set to 6:00 A.M. to 10:00 P.M.
2. The applicant must have security on site for all events.

 SA  
\_\_\_\_\_  
Mr. Jimmy Bolton, Vice Chair

# Council Letter City of Danville, Virginia



CL - 2610

NEW BUSINESS D.

## City Council REGULAR MEETING

**Meeting Date:** April 7, 2026

**Subject:** Code Amendment Request filed by the City of Danville to Amend Chapter 41 entitled "CODE Danville, The Unified Development Code of Danville, Virginia" .

**From:** Renee Burton, Division Director of Planning

---

## COUNCIL ACTION

1. Public Hearing
2. An Ordinance of the Council of the City of Danville, Virginia Amending Chapter 41 Entitled "Code Danville, The Unified Development Code Of Danville, Virginia" of the Code of the City of Danville, Virginia, 1986, As Amended, More Specifically Amending Article 8 Entitled "Administration and Procedures".

## SUMMARY

Following the City Planning Commission's unanimous recommendation, consider reorganizing text in CODE Danville for clarity.

## BACKGROUND

Planning staff proposes a text amendment to the Unified Development Code (UDC) to remove §41.8.O entitled "Subdivision", §41.8.P entitled "Subdivision, Consolidated Review", and §41.8.Q entitled "Subdivision, Minor" from Article 8 and relocate it to Article 7 of the Uniform Development Code entitled "Subdivisions". These sections currently reside in Article 8 "Administration and Procedures" and outline the subdivision review process.

Article 7 "Subdivisions" was initially reserved when CODE Danville was adopted on December 2, 2025, and enacted January 1, 2026. Additional coordination with VDOT, Public Works, and the Planning Division was required before completion. Article 7 is now finalized and ready for incorporation into the Unified Development Code. Relocating these sections does not change the review process. The relocation improves clarity and consistency within the UDC.

On March 9, 2026, the City Planning Commission voted 5-0 to approve Code amendment request PZ26-00221 filed by the City of Danville to amend Chapter 41 entitled "CODE Danville, The Unified Development Code of Danville, Virginia" of the City of Danville, 2025, as amended. Specifically, amend Article 8 "Administration and Procedures".

## RECOMMENDATION

It is recommended that City Council adopt Code Amendment request PZ26-00221 to amend Article 8 entitled "Administration and Procedures" to remove §41.8.O, §41.8.P, and §41.8.Q of CODE Danville, A Unified Development Code of Danville, Virginia.

---

## Attachments

1. Ordinance
  2. Exhibit
-

### 3. Planning Commission Recommendation

---

PRESENTED: \_\_\_\_\_

ADOPTED: \_\_\_\_\_

ORDINANCE NO. 2026\_\_\_\_.\_\_\_\_

AN ORDINANCE OF THE COUNCIL OF THE CITY OF DANVILLE, VIRGINIA AMENDING CHAPTER 41 ENTITLED "CODE DANVILLE, THE UNIFIED DEVELOPMENT CODE OF DANVILLE, VIRGINIA" OF THE CODE OF THE CITY OF DANVILLE, VIRGINIA, 1986, AS AMENDED, MORE SPECIFICALLY AMENDING ARTICLE 8 ENTITLED "ADMINISTRATION AND PROCEDURES".

NOW, THEREFORE, BE IT ORDAINED by the Council of the City of Danville, Virginia that the report of the Planning Commission recommending approval of an amendment to Chapter 41 entitled "CODE Danville, The Unified Development Code of Danville, Virginia" of the Code of the City of Danville, Virginia, 1986, as amended, specifically, to amend Article 8 to remove Section 41.8.O entitled "Subdivision", Section 41.8.P entitled "Subdivision, Consolidated Review", and Section 41.8.Q entitled "Subdivision, Minor", be, and the same is hereby, received; and

BE IT FINALLY ORDAINED by the Council, in consideration of said report and the public hearing this day held by Council, that it approves an amendment to Chapter 41 entitled "CODE Danville, The Unified Development Code of Danville, Virginia" of the Code of the City of Danville, Virginia, 1986, as amended, specifically to amend Article 8 entitled "Administration and Procedures", to remove Section 41.8.O entitled "Subdivision", Section 41.8.P entitled "Subdivision, Consolidated Review", and Section 41.8.Q entitled "Subdivision, Minor".

Approved:

\_\_\_\_\_  
Mayor

Attest:

\_\_\_\_\_  
City Clerk

Approved as to  
Form and Legal Sufficiency:

---

City Attorney

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# CITY OF DANVILLE

## Community Development Division of Planning and Zoning

### MEMORANDUM

DATE: MARCH 9, 2026  
TO: CITY COUNCIL  
FROM: CITY PLANNING COMMISSION  
RE: CODE AMENDMENT REQUEST PZ26-00221

*Code amendment request PZ26-00221 filed by the City of Danville to amend Chapter 41 entitled "CODE Danville, The Unified Development Code of Danville, Virginia" of the City of Danville, 2025, as amended. Specifically, amend Article 8 "Administration and Procedures".*

### RECOMMENDATION

The Planning Commission, at their March 9, 2026, meeting voted 5-0 to recommend approval of Code amendment request PZ26-00221.

 Jimmy Bolton (54)  
Mr. Jimmy Bolton, Vice Chair

# Council Letter

## City of Danville, Virginia



CL - 2536

NEW BUSINESS E.

### City Council REGULAR MEETING

**Meeting Date:** April 7, 2026

**Subject:** Code Amendment Request to Amend Chapter 41 entitled "CODE Danville The Unified Development Code of Danville, Virginia" specifically Article 7 "Subdivisions".

**From:** Renee Burton, Division Director of Planning

---

### COUNCIL ACTION

1. Public Hearing
2. An Ordinance Repealing in its Entirety Chapter 35.5, Entitled "Subdivision Code", of the Code of the City of Danville, Virginia, 1986, As Amended, and Adopting Chapter 41 Entitled "Code Danville, The Unified Development Code of Danville, Virginia" Article 7 Entitled "Subdivisions".

### SUMMARY

Following the City Planning Commission's unanimous recommendation, consider adding a new section to CODE Danville to improve compliance, efficiency, and clarity.

### BACKGROUND

Article 7 "Subdivisions" was initially reserved when CODE Danville was adopted on December 2, 2025, and enacted January 1, 2026. Additional coordination with VDOT, Public Works, and the Planning Division was required before completion. Article 7 is now finalized and ready for incorporation into the Unified Development Code.

Article 7 of CODE Danville, Subdivisions, establishes updated and modernized subdivision regulations to ensure coordinated infrastructure design, compliance with state standards, and efficient review processes. Adoption of Article 7 will replace existing subdivision regulations currently found in Chapter 35.5 of the City Code.

On March 9, 2026, the City Planning Commission voted 5-0 to approve Code Amendment Request PZ26-00220 filed by the City of Danville to amend Chapter 41.

### RECOMMENDATION

It is recommended that City Council adopt an Ordinance approving Code amendment request PZ26-00220 filed by the City of Danville to amend Chapter 41 entitled "CODE Danville The Unified Development Code of Danville, Virginia" of the City of Danville, 2025, as amended. Specifically, amend Article 7 "Subdivisions".

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### Attachments

1. Ordinance
  2. Article 7 Subdivisions
  3. Planning Commission Recommendation
-



PRESENTED: \_\_\_\_\_

ADOPTED: \_\_\_\_\_

ORDINANCE NO. 2026-\_\_\_\_\_.\_\_\_\_\_

AN ORDINANCE REPEALING IN ITS ENTIRETY CHAPTER 35.5, ENTITLED "SUBDIVISION CODE", OF THE CODE OF THE CITY OF DANVILLE, VIRGINIA, 1986, AS AMENDED, AND ADOPTING CHAPTER 41 ENTITLED "CODE DANVILLE, THE UNIFIED DEVELOPMENT CODE OF DANVILLE, VIRGINIA" ARTICLE 7 ENTITLED "SUBDIVISIONS".

WHEREAS, the current Chapter 35.5, entitled "Subdivision Code", of the Code of the City of Danville, Virginia, needs to be repealed; and

WHEREAS, the current language of Chapter 41, entitled CODE Danville, The Unified Development Code of Danville, Virginia", of the Code of the City of Danville, Virginia, needs to be updated, revised, and reordained; and

WHEREAS, the new Subdivision Regulations as set forth in Chapter 41 Article 7 of the Danville City Code are to replace the existing Subdivision Regulations.

NOW THEREFORE, BE IT ORDAINED by the Council of the City of Danville, Virginia, that it does hereby repeal the existing Subdivision Regulations, set forth in Chapter 35.5, entitled "Subdivision Code", as amended, 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 41 Article 7, entitled "Subdivisions" is hereby, accepted, approved, adopted and incorporated into the Danville City Code.

Approved:

\_\_\_\_\_  
Mayor

Attest:

\_\_\_\_\_  
City Clerk

Approved as to  
Form and Legal Sufficiency:

---

City Attorney

## **Article 7. Subdivisions.**

### **§ 41.7.A. Purpose.**

1. *Purpose and intent.*
  - a. This article is intended to guide and facilitate the orderly subdivision of land and its development while promoting the health, safety, and general welfare of the public. This article shall also further the objectives of Section 15.2-2240 of the Code of Virginia, as amended.

### **§ 41.7.B. Legal Provisions.**

1. *Authority.*
  - a. City Council hereby exercises the police power conferred by Chapter 22 of Title 15.2 of the Code of Virginia to assure the orderly subdivision of land and to implement PLANDanville.
2. *Administration.*
  - a. The administration and enforcement of this ordinance shall be vested in City Council and the Planning Commission.
  - b. The Division Director of Planning/ Zoning Administrator and City Engineer are hereby delegated as the agent of City Council and Planning Commission and are hereby authorized to administer and enforce this Code.
3. *Conflicting ordinances.*
  - a. If another State or Federal statute or City ordinance or regulation contains conflicting provisions with this article, the more restrictive of the provisions, ordinances, or regulations shall govern.
  - b. Nothing in this article shall affect the power of a court of equity to order that property be partitioned.
4. *Relation to other laws and contracts.*
  - a. The requirements of this article are separate from, but supplementary to, all other applicable requirements established by local, state, or federal laws, private agreements and covenants, proffers and conditions of zoning, and other applicable ordinances and regulations.
  - b. This ordinance bears no relation to any private easement, covenant, agreement, or restriction. The responsibility of enforcing such private

easement, covenant, agreement, or restriction is not implied to any public official.

5. *Applicability.*

- a. No person shall divide, subdivide, or cause a subdivision to be made of, by deed or plat, any tract of land located within the City of Danville, except in conformity with the provisions of this article.
- b. Except as provided below, any individual seeking to subdivide a tract of land shall adhere to the standards set forth in § 41.7.K. prior to recording a Final Subdivision Plat.
  1. Individuals seeking a minor subdivision may subdivide a tract of land in accordance with § 41.7.L.
- c. No person shall sell or transfer any land within a subdivision prior to recording a Final Subdivision Plat and posting a Subdivision Improvements Bond in accordance with § 41.7.K.4.

6. *References to other documents.*

- a. All references to any statute, regulation, guideline, manual, or standard shall be to that regulation, guideline, manual, or standard as it exists on the effective date of this Code and includes any amendment thereafter or reissue in a subsequent edition.

7. *Pro rata share funding for water, sewer, and drainage improvements.*

- a. The applicant shall pay to City Council one's pro rata share of the cost of providing reasonable and necessary sewer, water, and drainage improvements, located outside the boundary of the property which are necessitated or required, at least in part, by the construction or improvement of the subdivision, provided that:
  1. No payment shall be required until the City establishes a general sewer, water, and drainage improvements program and plan for an area having related and common sewer, water, and drainage conditions, and within which the property is located or where City Council has committed to such a program; and
  2. The program and plan comply with Section 15.2-2243 of the Code of Virginia.

8. *Pro rata share funding for off-site transportation improvements.*

- a. When the construction or improvement of a subdivision necessitates off-site road or roadway improvements, the applicant shall be required to contribute a fair and reasonable proportionate share, up to and including the full cost, of such improvements, to the extent the need for the improvements is reasonably required by and fairly attributable to the subdivision. City Council may accept funds or other contributions from the applicant toward the cost of such off-site improvements.
  1. The determination of whether the need for an improvement is substantially generated by, reasonably required by, and fairly attributable the subdivision shall be made by the Planning Commission. The Planning Commission shall consider whether:
    - A. The impact of the subdivision would create a threat to the public health, safety, or welfare if not addressed by the improvement;
    - B. The improvement is identified in PLANDanville, the City's Major Roadway Plan, adopted Virginia Department of Transportation (VDOT) roadway construction plans for the City, or the Official Zoning Map of Danville;
    - C. The improvement is identified in the City's Capital and Special Projects Plan;
    - D. The improvement is identified in the VDOT Six-Year Improvement Program; and
    - E. The need generated is more than an incremental effect that would otherwise result from general population growth, background traffic, or other appropriate criteria.

**§ 41.7.C. Abbreviations.**

1. Where provided in this Article, the following abbreviations shall carry the following meanings, unless otherwise noted. In the case of conflict between the meaning established in this section and the definitions provided in Article 9 of this Code, the meaning established in this section shall control in the administration of this article.
  - a. AASHTO.
    1. American Association of State Highway and Transportation Officials.
  - b. FHWA.

- 1. The Federal Highway Administration.
- c. IES.
  - 1. Illuminating Engineering Society.
- d. MUTCD.
  - 1. The Manual on Uniform Traffic Control Devices.
- e. PROWAG.
  - 1. The Public Right-of-Way Accessibility Guidelines.
- f. VDOT.
  - 1. The Virginia Department of Transportation.

**§ 41.7.D. Changes and Revisions to Plats.**

- 1. Changes or revisions may be made to an approved Preliminary Subdivision Plat or Final Subdivision Plat provided that prior written authorization by the Division Director of Planning/ Zoning Administrator has been received.
  - a. A change or revision to an approved Preliminary Subdivision Plat or Final Subdivision Plat shall not be permitted when the item being changed or revised has been required by the Planning Commission.
- 2. A proposed change or revision shall be submitted and reviewed in the same manner as set forth in § 41.7.K.4.f.
  - a. A minor change or revision to a Final Subdivision Plat may be approved by the Division Director of Planning/ Zoning Administrator in accordance with the procedures established for Minor Subdivisions in § 41.7.L.
- 3. A change or revision to a Final Subdivision Plat shall be signed by the owner or owners of the land being subdivided.

**§ 41.7.E. Re-Subdivision.**

- 1. A tract of land may be re-subdivided to eliminate, relocate, or otherwise alter a boundary line without the formal vacation of a recorded Final Subdivision Plat, provided that the re-subdivision does not involve the relocation or alteration of roadways, alleys, public rights-of-way, easements for public access, easements for utilities and public infrastructure, or easements for public use or common areas.

2. An application for the re-subdivision of land shall be submitted, reviewed, and considered for approval in the same manner as a Final Subdivision Plat as set forth in § 41.7.K.4.
  - a. Minor changes and revisions that result in a re-subdivision may be approved by the Division Director of Planning/ Zoning Administrator in accordance with the procedures established for Minor Subdivisions in § 41.7.L.
3. The Division Director of Planning/ Zoning Administrator and City Engineer, or their designee, shall sign all plats of re-subdivision.
4. The approval of a re-subdivision of land does not extend the period of validity of the Final Subdivision Plat in which the re-subdivided parcel is located.

#### **§ 41.7.F. Vacation of plat and relocation of boundary lines.**

1. A duly recorded Final Subdivision Plat or any part thereof may be vacated, or its boundary lines may be relocated pursuant to Section 15.2-2271 through 15.2-2276 of the Code of Virginia.
2. An application for the vacation of a recorded plat shall be submitted, reviewed, and considered for approval by the Planning Commission in the same manner as a Final Subdivision Plat as set forth in § 41.7.K.4.
3. The vacation of a recorded plat shall operate to destroy the force and effect of the recording of the Final Subdivision Plat so vacated, or any portion thereof.

#### **§ 41.7.G. Minor Subdivisions.**

1. *Applicability.*
  - a. Minor subdivisions of land are recognized where a single parcel of land is proposed to be divided into not more than two (2) parcels, or where the parcel lines of existing parcels are proposed to be changed or vacated.
2. *General standards.*
  - a. All minor subdivisions must meet the following standards.
    1. All parcels created by the division of land must meet all applicable zoning requirements and proffered conditions of zoning.
    2. The division of land shall not involve or require any new public roadway, road, or easement of access.

3. The division of land shall not offer the opportunity to obstruct any of the following features.
  - A. Floodplains, marshes, and rivers.
  - B. Planned or existing highways, public infrastructure, transportation facilities, and public facilities.
4. The division of land shall not adversely affect any part of PLANDanville or any other adopted plan.
5. The division of land shall not in any way violate the intent of this Code or other applicable ordinances, agreements, or conditions.
6. A Minor Subdivision Plat must be prepared, submitted, and approved in accordance with the standards set forth in § 41.7.L.

### **§ 41.7.H. Required Improvements.**

1. *General standards.*
  - a. No Final Subdivision Plat or Public Improvements Plan shall be approved until the Planning Commission can determine that the required improvements will be provided according to the standards established in this article.
  - b. The subdivider be responsible for making all required improvements.
    1. All such improvements shall be installed at the cost of the subdivider unless a cost-sharing agreement or other means of City participation is approved by City Council.
      - A. Any such agreements shall be included in the Final Subdivision Plat.
  - c. No subdivider shall commence the construction of any required improvements prior to receiving approval of a Public Improvements Plan in accordance with § 41.7.K.4.
    1. In addition to a Public Improvements Plan, the subdivider must obtain any applicable written approval or permit from the City, the Virginia Department of Environmental Quality, the U.S. Army Corp of Engineers, VDOT, and any other applicable federal, state or local agency.
  - d. All required improvements shall comply with the approved Preliminary Subdivision Plat, Final Subdivision Plat, Public Improvements Plan, and § 41.7.I. of this Code.

- e. No Subdivision Improvement Bond shall be released until the construction of all required improvements is satisfactorily completed.
  - 1. The discharge and release of all subdivision bonds shall be executed pursuant to the procedures established in § 41.7.K.10.
- 2. *Site improvements.*
  - a. A subdivision which requires or conducts land disturbing activities shall be governed by Chapter 13, Erosion and Sediment Control and Stormwater Management. The subdivider shall install temporary and permanent erosion and sedimentation control measures in accordance with Chapter 13 and the Virginia Department of Environmental Quality Stormwater Management Handbook, latest edition, based on the approved plan.
  - b. The subdivider must provide comprehensive grading improvements and individual parcel grading improvements at the time of implementation of the subdivision's public improvements.
    - 1. Such improvements must ensure that all parcels, rights-of-way, and other improved areas within a subdivision are provided positive drainage and ensure that public drainage improvements are engineered, coordinated, and aligned to provide adequate collection of runoff from developed properties, in accordance with the approved plan.
- 3. *Access.*
  - a. All subdivisions must have at least one (1) direct access to public roadways dedicated to the City, County, or State.
    - 1. All commercial or industrial subdivisions expected to generate traffic exceeding 1,000 vehicles per day, and all residential subdivisions with more than 100 dwelling units, must provide at least two (2) connections to existing public roadway.
      - A. Where only one (1) connection is physically achievable, City Council, at its discretion, may require that the connecting portion of the entrance roadway to be developed as a four-lane divided roadway extending into the development for at least 250 feet. Where a such an entrance is permitted, no internal public or

private roadway may intersect the four-lane divided roadway within 250 feet of the entrance to the subdivision.

- B. If the storm elevation of a 100-year flood could be anticipated to inundate, block, or obstruct a principal means of access to a residential subdivision, the principal means of access shall be designed and constructed so as to provide unobstructed access at the time of flooding.

4. *Rights-of-way.*

- a. The subdivider shall construct and dedicate rights-of-way needed for highways, roadways, pedestrian facilities, and service drives which permit vehicular and pedestrian travel to, from, and within the subdivision.
- b. Where PLANDanville, Major Roadway Plan, or other adopted plan indicates a right-of-way greater than that existing along the boundaries of the subdivision or the boundaries of any parcel within the subdivision, such additional right-of-way shall be dedicated for public use on the Final Subdivision Plat when it is recorded.
- c. Where a subdivision abuts a public roadway with less than 50 feet of right-of-way width, the right-of-way shall be expanded so that the total public right-of-way complies with the minimum standard established in § 41.7.1.6.d.
  - 1. A right-of-way may be required to be wider than the minimum established in § 41.7.1.6.d. if the Planning Commission determines such expansion necessary upon input from the Division Director of Planning/Zoning Administrator and City Engineer.

5. *Roadways.*

- a. The subdivider shall provide roadways in accordance with § 41.7.1.6. and § 41.7.1.7. of this Code.
- b. Consistency with adopted plans.
  - 1. The subdivider shall construct and dedicate extensions or improvements of existing roadways where such extensions or improvements complement the subdivision's layout or are shown or indicated by PLANDanville, the City's Major Roadway Plan, or other adopted transportation plans or adopted transportation studies.

- c. *Improvements to proposed and existing roadways.* The subdivider shall make, or cause to be made, such roadway improvements to proposed and existing roadways as are reasonably necessary to provide safe and efficient access to and from the subdivision. Such improvements may include, but are not limited to:
    - 1. Entrances and connections to public roadways;
    - 2. Private roadways;
    - 3. Roadway widening, realignment, or geometric improvements;
    - 4. Roadway lighting;
    - 5. Screening and landscaping; and
    - 6. Other related transportation improvements within the public right-of-way
  - d. *Traffic impact evaluation.* When deemed appropriate by the City Engineer or designee, the subdivider may be required to submit a traffic impact analysis, or other traffic study, prepared by a qualified professional, to evaluate the effects of the proposed subdivision on the adjacent and nearby roadway network.
    - 1. Any roadway improvements required pursuant to such evaluation shall be based on generally accepted traffic engineering practices and shall be reasonably related to addressing traffic, safety, or operational impacts associated with the proposed subdivision, considering the size, type, and intensity of the development.
    - 2. Required improvements shall not duplicate or replace transportation improvements that are fully funded and programmed for construction by the City, VDOT, or other public agency.
6. *Sidewalks and pedestrian access.*
- a. Sidewalks shall be constructed on both sides of all public streets within a subdivision in accordance with § 41.7.1.9. of this Code.
    - 1. The City Engineer may authorize the construction of sidewalks on only one (1) side of the roadway where the applicant demonstrates, through a sealed engineering analysis, that construction on both sides is technically infeasible due to topography or other unique site conditions.

- A. Such analysis shall demonstrate that construction of a sidewalk on the affected side would require one (1) or more of the following
    - 1. A retaining wall at least four (4) feet or greater in height;
    - 2. Grading on natural slopes exceeding 25% measured perpendicular to the roadway centerline; or
    - 3. Grading that would adversely affect the structural stability of the roadway or adjacent property, as determined by the City Engineer.
  - 2. If no portion of a roadway within one half (0.5) mile, measured along a public street network, of the outer boundary of the subdivision provides sidewalks on both sides of the roadway, the proposed subdivision may provide sidewalks on only one (1) side of the roadway.
  - b. The subdivider shall construct any bicycle trails, pedestrian paths, and sidewalks in accordance with the general location shown in PLANDanville or any other adopted plan or study approved by the Division Director of Planning/ Zoning Administrator.
- 7. *Lighting.*
  - a. All public roadways and pedestrian facilities within a subdivision shall be illuminated in accordance with City standards and applicable VDOT and/or IES (Illuminating Engineering Society) roadway lighting guidelines, or other published roadway lighting guidelines, as approved by the City.
- 8. *Water supply.*
  - a. All subdivisions shall construct or extend the pipes, easements, and service areas needed to provide adequate water services to all parcels in the subdivision.
    - 1. Off-site water supply improvements may be provided subject to the City's facility plans and pro rata share funding agreements subject to Code of Virginia § 15.2-2243.
- 9. *Sanitary sewer.*
  - a. All subdivisions shall provide the pipes, easements, and service areas needed to provide adequate sanitary sewer services to each parcel in the subdivision.

1. Off-site sanitary sewer improvements may be provided subject to the City's facility plans and pro rata share funding agreements subject to Section 15.2-2243 of the Code of Virginia.

10. *Stormwater management.*

- a. The subdivider shall ensure effective management of the quality and quantity of runoff resulting from land-disturbing activities associated with the subdivision and provide an adequate storm drainage system and Best Management Practices (BMPs) for the subdivision as well as from off-site properties which the subdivision impact.
  1. Off-site stormwater management improvements may be provided subject to the City's facility plans and pro rata share funding agreements subject to Section 15.2-2243 of the Code of Virginia.
  2. Stormwater management improvements shall be in accordance with Chapter 13, the Virginia Erosion and Stormwater Management Acts and Regulations.
- b. The subdivider shall also provide improvements, rehabilitation, and stabilization of existing streams, natural channels, waterways, and adjacent embankments or landscaping to ensure adequate control of storm runoff and preservation of environmentally sensitive areas which may be impacted by storm runoff.
- c. Curbs shall be provided on each side of every roadway in accordance with § 41.7.1.8. of this Code.

11. *Fire protection.*

- a. Adequate fire hydrants shall be installed in a subdivision at locations as required to provide adequate fire protection and in accordance with § 41.7.1.15. of this Code.

12. *Electric and telephone lines.*

- a. The subdivider shall coordinate with local power and telephone providers prior to submission of the Preliminary Subdivision Plat to ensure adequate location, alignments, easements, maintenance access, and other design criteria can be provided.

13. *Gas.*

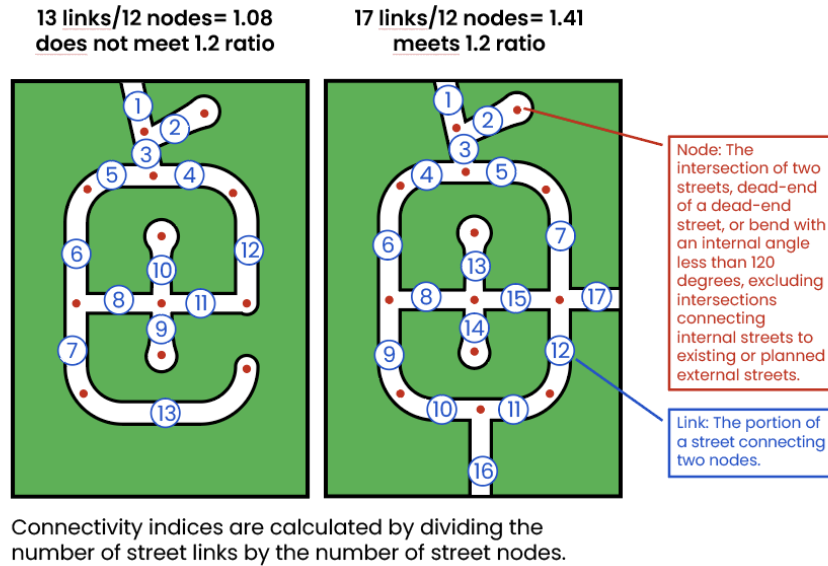
- a. The subdivider shall coordinate Preliminary Subdivision Plats, Final Subdivision Plats, and Public Improvements Plans to ensure the proper engineering, alignment, and location of gas mains.
14. *Easements.*
- a. The subdivider shall dedicate easements or rights-of-way for all utilities and facilities within subdivisions which are intended to serve the public subject to Planning Commission approval.
    - 1. Public easements for Minor Subdivisions may be approved by the Division Director of Planning/ Zoning Administrator.
15. *Monuments.*
- a. All parcel corners shall be marked by monuments in accordance with § 41.7.I.14. of this Code.
    - 1. Parcel corners not marked by monuments shall be marked with permanent reference markers.
16. *Public facilities.*
- a. In the subdividing of land, consideration shall be given to suitable sites for public facilities such as parks, open spaces, natural areas, schools, and other areas of public use as may be described in PLANDanville or other adopted plan.
    - 1. The location, boundary, and size of all such areas shall be indicated on the Preliminary Subdivision Plat and Final Subdivision Plat so that it may be determined if, when, and in what manner such areas will be dedicated to, reserved for, or acquired by the City for that use.
    - 2. This provision shall not be construed to preclude the reservation or dedication of property for public use not included in PLANDanville or other adopted plan, provided such property is acceptable to the City for such dedication and maintenance.

### **§ 41.7.I. Design Standards.**

- 1. *General design objectives.*
  - a. The following minimum design standards shall be required and demonstrated on the Final Subdivision Plats and Public Improvements Plans for all subdivisions.

- b. The design of each subdivision shall be prepared so as to be consistent with the principles and recommendations for land use, transportation, community facilities, and infrastructure established by PLANDanville.
2. *Physical features.*
- a. The layout and design of a subdivision shall minimize the impact, removal, or grading of respect existing physical features such as topography, trees, rock outcroppings, waterways, wetlands, and other significant geographic elements.
  - b. The Planning Commission, in the interest of the health, safety, and general welfare of the present and future inhabitants of the City Danville, shall control the subdivision of any property which lies within a 100-year floodplain.
    - 1. In addition to any standards set forth by the Planning Commission, the following standards apply to all parcels within a 100-year floodplain.
      - A. If an area in a proposed subdivision along a river, stream, wetlands, marsh, or other watercourse which is subject to periodic flooding has not had a 100-year floodplain specifically delineated by the Federal Emergency Management Agency, the subdivider shall be required to prepare an engineering floodplain study which establishes the flood elevations and contours for both the pre-development and post-development property conditions.
        - 1. If required, the engineering floodplain study shall be based on contour mapping prepared at a minimum scale of one (1) inch equals 100 feet with two-foot contour intervals. The hydraulic analysis of the floodplain shall be based on standard HEC modeling (or equivalent engineering analysis technique) with minimum analysis sections of 100 feet (preferably 50 feet). Analysis shall include pre- and post-development water surface elevation impacts.
        - 2. Floodplain studies shall be prepared by a registered professional engineer qualified to perform such work.
    - 2. Refer to the FPO Floodplain Overlay Zone in § 41.2.S., for additional requirements.
3. *Access.*

- a. No individual parcel shall have direct access to any principal arterial roadway. Where an individual parcel abuts such roadways and access cannot be provided to a minor arterial, collector, or local roadway, a service drive roadway shall be provided in accordance with § 41.7.H.3. of this Code.
  - 1. City Council, at its sole discretion, may waive this provision if the physiography, shape, or size of the tract would preclude other methods of providing appropriate public roadway access.
- 4. *Blocks.*
  - a. No block shall be greater than 650 feet or less than 300 feet, as measured from the centerline of an intersection to the centerline of the next intersection.
  - b. The width of a proposed block shall be sufficient to allow two (2) tiers of minimum sized parcels in the underlying zone or district, except where fronting on a controlled access roadway.
    - 1. City Council may approve a single tier of parcels of minimum size wherever physiography, access requirements, or the PLANDanville so prescribes.
  - c. Any proposed blocks of irregular shape or otherwise not conforming to the dimensions required in this section may be accepted upon review and approval of City Council.
  - d. The roadway layout within all subdivisions shall have a connectivity index score of one and two tenths (1.2) or higher.
    - 1. The connectivity index is measured by dividing the number of roadway links by the number of roadway nodes.
      - A. The dead-end of a dead-end roadways shall count as a node unless the dead-end roadway is aligned so as to provide for the planned continuation of such roadway into adjoining properties.
      - B. Existing public roadways connecting to new roadways in the subdivision shall not count as roadway links.
      - C. The intersection of an existing public roadway and a new roadway shall not count as a roadway node.



- e. The arrangement of roadways in a shall be coordinated with and provide for the planned continuation of existing roadways into adjoining properties.

5. *Parcels.*

a. *Minimum parcel size and buildable area.*

1. No parcel shall be smaller than the minimum parcel size established in the underlying zone or district.

b. *Relationship to the roadway.*

1. Each parcel shall front on a public roadway dedicated by the Final Subdivision Plat or deed of dedication, or on an existing approved public roadway.
  - A. The Planning Commission may allow, but shall not require, a parcel to front a private roadway.

c. *Corner Parcels.*

1. Corner parcels shall be designed to meet the front setback line requirements on both roadways on which the corner parcel fronts.
2. Property lines at roadway intersections shall be rounded with a radius of not less than 15 feet.
  - A. At an intersection of any roadway with a major or minor arterial roadway, or at other locations where traffic hazards and congestion may be anticipated, property lines shall be rounded

with a radius of not less than 25 feet, or greater if deemed necessary by the Planning Commission.

- B. Smaller radii for property lines coinciding with roadway rights-of-way may be allowed by the Planning Commission where such radii are consistent with the City's objectives for community planning and land use.

d. *Double frontage and reverse frontage parcels.*

- 1. Double frontage or reverse frontage parcels shall be permitted where essential to provide separation of residential development from roadways, to overcome disadvantages of topography, or where exceptional site design permits.

e. *Parcel shape.*

- 1. Each parcel shall be of a shape which provides a satisfactory and desirable building site.
- 2. No parcel shall contain peculiarly shaped elongations which are designed solely to provide the necessary square footage of area or frontage on a public roadway.
- 3. No flag parcels or pipe stem parcels shall be permitted.

f. *Remnant parcels.*

- 1. Remnant parcels shall not be created by the subdivision of land.
- 2. Any remnant parcels shall be added to abutting parcels rather than remain as unbuildable parcels.

g. *Side parcel lines.*

- 1. Side parcel lines shall be approximately perpendicular to the centerline bearing of the roadway on which the parcel has frontage.
- 2. Side parcel lines on circular turnarounds should be radial to the circular curvature of the turnaround unless otherwise constricted by special terrain conditions, landscape design considerations, or unique parcel access requirements.

h. *Reserve strips.*

- 1. Reserve strips are prohibited.

6. *Public roadways.*

a. *General standards.*

1. The subdivider shall be required to construct, dedicate, and guarantee the performance of all public roadways directly serving the subdivision, including any existing roadways being extended.
2. All public roadways within a subdivision must conform to the standards established in this Code and by the VDOT Road Design Manual, as amended.
3. Subdividers shall be required to reserve right-of-way for minor and major arterials and other transportation facilities as may be depicted in PLANDanville, the City Major Roadway Plan, or other official map.
4. The subdivider shall be required to construct service drives and access points as may be required to satisfy the transportation goals of the City and as may be depicted in PLANDanville, the City Major Roadway Plan, VDOT plans, or the Official Zoning Map.
5. Half roadways are prohibited.

b. *Roadway classifications.*

1. The classification of proposed roadways shall be determined by an estimate of the anticipated vehicular traffic volume as determined by a Traffic Impact Analysis performed by the applicant in conjunction with the review of the Preliminary Subdivision Plat.
  - A. The Traffic Impact Analysis shall be prepared in accordance with § 41.7.H.5.d.

c. *Roadway surfacing.*

1. All roadways shall be paved in accordance with a pavement design prepared and sealed by a professional engineer licensed in the Commonwealth of Virginia. The pavement design shall be based on site-specific subsurface conditions and geotechnical information prepared by or under the direction of a qualified geotechnical professional.
2. The pavement design shall conform to the intent and requirements of the VDOT Pavement Design Guide for Subdivision and Secondary Roads in Virginia and shall account for anticipated traffic loading, subgrade characteristics, drainage conditions, and long-term performance.

3. The proposed pavement design shall be submitted to the City for review and approval prior to construction. The City may require revisions to the pavement design if field conditions, testing results, or construction observations indicate that modifications are necessary to achieve adequate performance.
- d. *Maximum roadway width.*
1. Unless otherwise required by the VDOT Road Design Manual or other applicable VDOT standards, roadway widths for new subdivision streets shall comply with Table 7.H-1: Maximum Roadway Width.
    - A. The maximum width of any roadway may be extended if a bicycle lane is provided in accordance with § 41.7.I.9.b. of this Code.

**Table 7.II-1: Maximum Roadway Width**

Roadway Type	Minimum Right-of-Way Width	Minimum Curb-to-Curb Roadway Width	Maximum Curb-to-Curb Roadway Width
Principal Arterial	80 ft.	48 ft.	60 ft.
Minor Arterial	70 ft.	40 ft.	54 ft.
Collector	60 ft.	32 ft.	44 ft.
Local	50 ft.	24 ft.	34 ft.
Private Alley	15 ft. for one-way traffic. 25 ft. for two-way traffic.	10 ft. for one-way traffic. 20 ft. for two-way traffic.	12 ft. for one-way traffic. 24 ft. for two-way traffic.

- e. *Entrances.*
1. The entrance of a new roadway onto any public roadway shall be subject to the approval of the Planning Commission and shall be designed and constructed in accordance with applicable VDOT standards.
  2. Horizontal separation between planned new and existing entrances shall be based on traffic impact analysis and evaluations.
  3. Minimum vertical and horizontal sight distances between planned and existing entrances shall be a function of the appropriate design speed for the subject roadways as set forth in the VDOT Road Design Manual.
- f. *Roadway layout.*

1. The roadway layout, grading, and drainage shall not cause unnecessary hardship to the owners of any adjoining property when they plat their own land and seek to provide for convenient access to it.
  - A. Where the City Engineer determines it is desirable to provide roadway access to adjoining property, proposed roadways shall be extended by dedication to the boundary line of such property and improved in accordance with the regulations set forth herein for public roadways.
- g. *Intersections.*
  1. All intersections shall be separated by at least 300 feet from the intersection of roadway centerlines at one (1) intersection to the intersection of roadway centerlines at the next intersection.
    - A. For the purposes of this provision, two (2) roadways sharing the same right-of-way shall be considered one (1) roadway with the centerline of such roadway being the line lying midway between the side lines of each roadway, as measured in the horizontal plane.
  2. Subdivision roadways shall intersect with an existing or proposed roadway at an angle as close to 90 degrees as practicable.
    - A. In no case shall a roadway intersect with an existing or proposed roadway at an angle less than 80 degrees unless the City Engineer approves a lesser angle for reasons of contour, terrain, or matching of existing patterns.
- h. *Dead-end roadways and turnarounds.*
  1. No dead-end roadway shall extend more than 325 feet from the nearest intersection.
  2. All dead-end roadways shall provide a circular turnaround having a right-of-way radius as prescribed by the VDOT Road Design Manual.
    - A. Branch and T-type turnarounds are prohibited.
  3. Temporary turnarounds shall be constructed for those roadways within a subdivision, or section thereof, which are planned for future extension on an approved Final Subdivision Plat.



agreements and documentation acceptable to City Council ensuring the intended access arrangements, adequate storm drainage improvements, grading, construction materials, maintenance, and upkeep of the alley easement.

2. No alley easement shall be less than 20 feet in width and no alley pavement shall be less than 12 feet in width.
3. Dead-end alleys are prohibited.

k. *Service drives.*

1. When a proposed subdivision contains or is adjacent to a principal arterial roadway and where the frontage parcels in such subdivision are proposed to front on such roadway, sufficient land shall be reserved so as to provide for subsequent construction of service drive roadways.
  - A. Service drive roadways shall run approximately parallel to the adjacent principal arterial roadway.
  - B. The dimension of the area between the service drive roadway and principal arterial roadway, and the points of access between the same, shall be determined after due consideration of traffic safety requirements.
    1. Except where impractical due to topographic hardship, the area between the service drive and the principal arterial roadway shall be sufficient to provide landscape planting and screening.
  - C. City Council, at its sole discretion, may waive the requirements of this provision if the physiography, shape, or size of the tract would preclude other methods of providing appropriate public roadway access.

l. *Roadway identification signs.*

1. Street name and roadway identification signs shall be installed at all public street intersections in accordance with the Manual for Uniform Traffic Control Devices, as adopted VDOT, and the latest edition of the VDOT Road and Bridge Specifications and Standard Drawings. Sign design, size, lettering, retro reflectivity, placement, and mounting shall

conform to these standards and be subject to approval by the City Engineer.

m. *Roadway names.*

1. All roadways shall be named.
2. Names of existing roadways shall not be changed without approval of the Address Management Committee in accordance with the Address Management Guidelines.
3. No roadway name shall contain more than 20 letters including such symbols as St., Ave., or other abbreviations.
4. Proposed roadways which are extensions of or in obvious alignment with existing named roadways shall bear the names of the existing roadways.
5. Except as allowed for the extension of an existing roadway, the names of proposed roadways shall not duplicate or too closely approximate existing roadway names elsewhere in the City, irrespective of the use of the suffix street, avenue, boulevard, drive, way, place, land, or court.
6. Roadway names shall be indicated on all Final Subdivision Plat.
  - A. Approval of the Final Subdivision Plat shall indicate approval of the roadway names, unless otherwise noted.

7. *Private roadways.*

a. *Applicability.*

1. Access to a subdivision may be provided via private roadways under the following conditions.

b. *General standards.*

1. Neither the City nor the state will maintain such private roadways unless they are brought into compliance with applicable public roadway standards of the City in effect at such time and without cost to the City.
2. The Final Subdivision Plat and all deeds of subdivision, or similar instruments, shall clearly designate the roadways which are to be private and shall contain the following note:
  - A. "The following roadway(s), \_\_\_\_\_, in this subdivision are privately owned and maintained by the parcel owner(s), do not

meet City requirements, and will not be maintained by either the Commonwealth of Virginia or the City of Danville."

1. Grantors of any subdivision parcel to which such statement applies must include the statement on each deed of conveyance thereof.
  2. The Final Subdivision Plat shall provide adequate easements across private roadways for ingress, egress, drainage, maintenance of utilities, and access by public agencies including the City's Police and Fire Departments to allow them to carry out their duties.
  3. All parcel owners must be assured perpetual right of access via the private roadway to a public roadway maintained by the City or State.
  4. In a non-residential subdivision, no private roadways shall carry more than 1,000 vehicles per day.
  5. In a residential subdivision, no private roadways may serve more than 100 dwelling units, unless otherwise approved by the Planning Commission.
  6. All permitted private roadways shall carry a roadway name meeting the naming standards for public roadways in § 41.7.1.6.m. and approved by the City.
    - A. Individual parcels fronting a private roadway shall carry a roadway address.
  7. No parking spaces shall be permitted to have direct access on private roadways carrying more than 1,000 vehicles per day.
- c. *Private roadway surfacing.*
1. The applicant shall provide engineering plans, profiles, details, design sections, and construction standards consistent with the requirements of a Public Improvements Plan for all private roadways and related infrastructure.
  2. Geometric design requirements for private roadways and parking areas shall conform with the VDOT Road Design Manual.

3. The methods of pavement design, construction practices, and materials used in the construction of private roadway improvements shall conform to the VDOT Road Design Manual.
  4. Signs and striping of private roadways shall be provided and paid for by the developer in the same manner as public roadways in accordance with § 41.7.1.6.l.
    - A. Signs shall be designated on the Public Improvements Plan.
  5. Any private roadway within a subdivision which is not intended to be incorporated into the state system shall be identified with a sign attached to the roadway sign stating: "Private Road Not Publicly Maintained."
- d. *Private roadway maintenance.*
1. Perpetual maintenance of private roadways and, where appropriate, sidewalks and trails shall be the responsibility of the subdivision owner or developer.
8. *Curbs.*
- a. *Curbs and stormwater conveyance systems.*
    1. Curbs and associated stormwater conveyance systems shall be installed by the subdivider in accordance with the applicable VDOT standards and details.
    2. The curb or curb and gutter type shall be selected based on roadway functional classification, design speed, drainage needs, and site conditions, and shall conform to the VDOT Road Design Manual and related standard drawings, as approved by the City.
9. *Pedestrian facilities.*
- a. *Sidewalks.*
    1. *General standards.*
      - A. Sidewalks shall be designed and constructed in accordance with the latest edition of the VDOT Road Design Manual and Road and Bridge Specifications, applicable Federal Highway Administration (FHWA) pedestrian facility guidance, ADA accessibility

- requirements, and Public Rights-of-Way Accessibility Guidelines (PROWAG).
- B. Unless otherwise approved by the City Engineer based on context-sensitive design, the minimum clear pedestrian through-zone width shall be consistent with ADA/PROWAG and VDOT standards.
  - C. Sidewalk pavement shall be Portland cement concrete meeting VDOT material and construction requirements. Minimum thickness shall comply with VDOT standard sidewalk sections, with increased thickness at driveway crossings or other vehicular conflict points as required by VDOT standards and details.
  - D. Curb ramps, blended transitions, detectable warning surfaces, cross slopes, running slopes, and landings at intersections and crossings shall comply with ADA/PROWAG and current VDOT standard drawings for accessible pedestrian facilities.
2. *Sidewalk buffer and furnishing zone.*
- A. Where curb and gutter are present, a buffer or planting strip (tree lawn) between the back of curb and the sidewalk should be provided in accordance with VDOT Road Design Manual.
    - 1. The width of this buffer shall be based on roadway functional classification, design speed, and context. The width should be at least five (5) feet and capable of accommodating street trees, utilities, and snow storage consistent with VDOT and FHWA best practices, where the right-of-way width allows.
  - B. Landscaping and street trees within the buffer shall be installed and maintained in accordance with applicable City landscaping requirements and VDOT clear zone and sight distance guidance.
3. *Connectivity*
- A. Where a proposed or reconstructed sidewalk is located within 50 feet of an existing or planned public trail, shared-use path, or similar multimodal facility, the development shall provide a direct, accessible, and unobstructed pedestrian connection to that facility,

designed in accordance with VDOT and FHWA shared-use path and pedestrian connection guidance. Such connections shall:

1. Meet ADA and PROWAG accessibility requirements;
  2. Conform to VDOT standards for grades, cross slopes, and transitions; and
  3. Be located to provide safe and practical access as determined by the City Engineer.
- B. To avoid excessive or redundant connections, no more than one (1) such connection shall be required to any individual trail or path within 200 feet of a sidewalk frontage, unless additional connections are warranted for safety, accessibility, or network continuity as determined by the City Engineer.
- b. *Bicycle lanes.*
1. *Construction standards.*
    - A. Bicycle lanes shall be planned, designed, and constructed in accordance with the latest applicable VDOT standards, specifications, and guidelines.
    - B. Where VDOT standards do not directly address a specific condition, design shall be guided by nationally recognized best practices, including, but not limited to, the guidance published by AASHTO or FHWA, such as the AASHTO Guide for the Development of Bicycle Facilities and applicable FHWA bikeway selection and design resources.
  2. *Buffering.*
    - A. Where a bicycle facility is provided within the right-of-way of a principal arterial or other higher-speed, higher-volume roadway, the facility shall be separated from adjacent motor vehicle travel lanes in accordance with VDOT, AASHTO, and FHWA guidance, and other acceptable national guidance as approved by the City, for protected or separated bicycle lanes.
      1. Separation methods may include, but are not limited to, a raised curb, landscaped buffer, barrier, parking separation, or

other physical or vertical elements consistent with applicable standards.

B. Where a bicycle facility is provided within the right-of-way of a minor arterial or collector roadway, a buffer or separation area shall be provided between the bicycle facility and adjacent motor vehicle travel lanes in accordance with VDOT, AASHTO, and FHWA guidance, and other acceptable national guidance as approved by the City.

1. Such buffer may be achieved through striping, pavement markings, textured or colored pavement, vertical delineators, curb, or landscaping, as appropriate to roadway context and safety considerations.

3. The type and width of any buffer or separation shall be determined during design based on roadway classification, operating speed, traffic volumes, on-street parking, sight distance, drainage, maintenance needs, and other site-specific factors, consistent with the latest applicable VDOT, AASHTO, and FHWA guidance, and other acceptable national guidance as approved by the City.

c. *Shared-use paths.*

1. *General design and construction standards.*

A. Shared-use paths shall be designed and constructed in accordance with the latest editions of the following, as applicable:

1. VDOT Road Design Manual and related VDOT Road & Bridge Standards;
2. AASHTO Guide for the Development of Bicycle Facilities;
3. FHWA guidance on shared-use paths and separate bicycle facilities;
4. MUTCD guidance for all pavement markings, signs, and traffic control devices; and
5. Other guidance and technical standards as approved by the City Engineer.

2. *Surface and cross section.*

- A. Shared-use paths shall be paved and constructed to meet or exceed the structural, surface, and accessibility requirements applicable to sidewalks and multi-use paths under the above references, as well as ADA accessibility standards.

3. *Width.*

- A. Path width shall be determined based on anticipated user volumes, context, and safety considerations in accordance with the guidance.
- B. In constrained conditions, a reduced width consistent with minimum criteria may be permitted.
- C. Where higher user volumes, frequent passing, or multi-directional use is expected, wider sections consistent with recommended dimensions in the guidance should be provided.

4. *Buffering.*

- A. If located next to the same right-of-way of or adjacent to a right-of-way containing a public roadway, a landscaped buffer at least five (5) feet wide shall be provided between the edge of the curb and shared-use path.
  - 1. If a shared-use path is adjacent to a sidewalk, no landscape buffer shall be required.

10. *Lighting.*

a. *Roadway lights.*

- 1. Roadway lights shall be installed by the subdivider on one (1) or both sides of the roadway in accordance with the VDOT Road Design Manual, or as per the direction of the Planning Commission.
  - A. The Planning Commission may require lights on one (1) or both sides of the roadway depending upon the topography, intensity of the development, location with respect to schools and other public or semi-public facilities, and such other factors.
  - B. All public roadways and pedestrian facilities within a subdivision shall be illuminated in accordance with City standards and applicable VDOT and IES roadway lighting guidelines, or other roadway lighting guidelines, as approved by the City.

- C. All roadway light types shall be approved by the City.
- 2. The City, with the approval of the subdivider, may assume the responsibility for installing roadway lights along public or private roadways within a subdivision if the City Engineer determines the assumption of such responsibility by the City furthers the infrastructure goals established in PLANDanville.
  - A. The subdivider shall cover the full cost of all poles, fixtures, wiring, and labor used to provided roadway lighting to the subdivision.
  - B. The subdivider shall provide all necessary public utility easements required for the construction and maintenance of the roadway lights.
- 11. *Easements.*
  - a. The easement agreement and dedication documentation shall be provided in accordance with the typical form provided by the City Engineer.
  - b. Easements on individual subdivision parcels shall be maintained by the parcel owner unless otherwise provided for by separate agreement.
- 12. *Stormwater management.*
  - a. All stormwater management systems shall be provided and designed in accordance with Chapter 13 Erosion and Sediment Control of the Danville City Code.
- 13. *Water and sanitary sewer.*
  - a. *Parcel sewer service.*
    - 1. All parcels shall be provided with sewer laterals with adequate and necessary access to public sewer to be constructed with the required subdivision improvements.
    - 2. A lateral schedule shall be provided with the Preliminary Subdivision Plats, Final Subdivision Plat, and all Public Improvements Plans.
    - 3. It shall be the responsibility of the parcel owner to maintain sewer laterals from the public sanitary sewer main line to the building.
  - b. *Parcel water service.*

1. Public water improvements shall be designed to ensure a residual water pressure for all fixtures of at least 20 psi to the elevation of the highest story of any structure permitted in the underlying zone or district.
  2. It shall be the responsibility of the parcel owner to maintain water laterals on private property.
- c. *Authority.*
1. City Council shall have authority over sewer and water connections in Danville.
  2. No individual private well and septic service is permitted to provide domestic service for any dwelling or structure within the City.
- d. *General design and construction requirement.*
1. Sanitary sewer design shall be in accordance with the Commonwealth of Virginia Sewage Collection and Treatment Regulations.
- e. *Contributing population.*
1. Refer to water and sewerage recommendations outlined in PLANDanville or the City's Water and Sewer Master Plan.
- f. *Design quantities.*
1. Refer to water and sewerage recommendations outlined in PLANDanville, and to data which may be otherwise provided by the Division Director of Planning/ Zoning Administrator.
- g. *Hydraulic design criteria.*
1. Refer to PLANDanville, the Virginia Department of Health's regulations and design standards, and other adopted water and sewer facilities plans.
- h. *Location of water mains, sewers, and appurtenances.*
1. Refer to water and sewerage standards and criteria as outlined by PLANDanville, the City's Water and Sewer Master Plan, and the Virginia Department of Health.
- i. *Acceptance tests.*
1. Criteria for acceptance testing of sanitary sewer and water mains shall be as specified by the City of Danville.

14. *Monuments.*

a. *Monument location and type.*

1. Permanent reference monuments shall be placed in accordance with applicable VDOT Road and Bridge Standards and Specifications and generally accepted land surveying practices within the Commonwealth of Virginia.

b. *Parcel corner location and type.*

1. Parcel corners not marked by monuments shall be marked with permanent reference markers.
  - A. Permanent reference markers delineating a parcel corner shall be placed by a certified land surveyor prior to the recordation of a Final Subdivision Plat.
2. Any existing parcel corners which are removed during the installation of required subdivision improvements shall be reinstalled prior to the issuance of an Occupancy Permit on any parcel.

c. *Visibility.*

1. Upon completion of all roadways and other improvements in the subdivision, all monuments and pins required shall be clearly visible or marked with a guard stake and flag for inspection and use prior to the release of the subdivision bond or surety.

15. *Fire protection.*

a. *Installation.*

1. Adequate fire hydrants shall be installed by the developer in a subdivision at locations as required by Chapter 14 Fire Prevention and Protection of the Danville City Code, and as necessary to provide adequate fire protection.
2. Fire hydrants shall be installed within the public right-of-way or public access easement.

b. *Fire hydrant placement.*

1. No fire hydrant shall be placed less than 50 feet from any building or structure.

2. No fire hydrant shall be located more than 100 feet from the nearest fire department connection. The fire department connection must be visible from the fire hydrant.
  - A. A fire department connection for an automatic sprinkler system or standpipe system shall be located on as to be readily visible from the street.
  - B. The location for the fire department connection must be approved by the Fire Marshal's Office.
3. Depending on the use, no fire hydrant shall be separated from another fire hydrant more than the distance established in Table 7.I-2.

Use	Distance
Industrial or storage use.	300 ft.
School or institutional use.	300 ft.
Commercial use.	300 ft.
Single-unit or two-unit dwellings.	500 ft.
All other residential uses.	300 ft.

4. In a subdivision containing exclusively single-unit or two-unit dwellings, all fire hydrants shall be located on a parcel line or along the curve of pavement.
  - c. *Obstruction.*
    1. No obstructions such as a fence, landscape material, or retaining wall shall be permitted within three (3) feet of a fire hydrant or 10 feet of an automatic sprinkler system or standpipe system fire department connection.
  - d. *Fire hydrants in or on top of parking structures.*
    1. All fire hydrants and water mains located in or on top of a parking structure shall be protected from freezing. Heat tape shall be prohibited.
  - e. *Water mains.*

1. All water mains shall be designed to provide hydrant flows and residual pressures to established standards set by the Virginia Department of Health.

16. *Underground electric, telephone, and cable services.*

- a. The subdivider shall coordinate with local electric, telephone, cable, and other communications or broadband service providers prior to submission of the Preliminary Subdivision Plat to ensure adequate locations, alignments, easements, maintenance access, and other applicable design criteria are provided.

**§ 41.7.J. Subdivision Surety Bonds.**

1. The applicant shall be required to post bonds in accordance with § 41.7.K.5 and § 41.7.K.9 to ensure the timely construction, adequate design, and continued maintenance of the subdivision improvements.

**§ 41.7.K. Subdivisions.**

1. *Summary of major subdivision approval process.*

- a. The process for major subdivision approval shall be as set forth in Table 7.K-1.

Step	Action	Actor	Time Frame
1	Pre-Application Planning Conference.	Applicant, City staff, and Subdivision Review Committee.	As determined by the applicant.
2	Preliminary Subdivision Plat	Submit a complete Preliminary Subdivision Plat.	Applicant.
3		Review the Preliminary Subdivision Plat.	City staff, Subdivision Review Committee, and state agencies, if applicable.
4		Review the Preliminary Subdivision Plat.	Planning Commission.
5		Modify the Preliminary Subdivision Plat.	Applicant.
6	Final Subdivision Plat and Public	Submit a complete Final Subdivision Plat and Public	Applicant.

Step	Action	Actor	Time Frame
	Improvements Plan, if necessary.		
7	Review the Final Subdivision Plat and Public Improvements Plan.	City staff, Subdivision Review Committee, and state agencies, if applicable.	60 days after submission; or as established by Va. Code. Ann. § 15.2-2259.
8	Review the Final Subdivision Plat and Public Improvements Plan.	Planning Commission.	
9	Modify the Final Subdivision Plat and Public Improvements Plan, if necessary.	Applicant.	As determined by the Code of Virginia.
10	Post Subdivision Improvements Bond and Landscaping Bond.	Applicant.	As determined by the applicant.
11	Construction of required improvements.	Applicant.	As determined by the applicant.
12	Request inspection of constructed improvements.	Applicant.	As determined by the applicant.
13	Inspect constructed improvements.	City staff.	Up to 30 days after request by applicant.
14	Release Subdivision Improvements Bond.	City staff.	Upon receipt of inspection approval.
15	Post Subdivision Maintenance Bond.	Applicant.	Upon release of Subdivision Improvements Bond.
16	Approve dedication of required improvement.	City Council.	As determined by City Council.
17	Release all remaining bond agreements.	City Council.	As determined by City Council.

2. *Pre-Application Planning Conference.*

a. *Conference required.*

1. Prior to the submission of the Preliminary Subdivision Plat, the applicant shall contact the Division Director of Planning/ Zoning Administrator to schedule a Pre-Application Planning Conference.
2. The Pre-Application Planning Conference does not replace the requirement for the submission of a Preliminary Subdivision Plat, Final

Subdivision Plat, Public Improvements Plan, or any other provisions of this Code or any other requirement of the City.

b. *Purpose of conference.*

1. The purpose of this conference is to establish the following:
  - A. Establish the intended use, scope, type, density, physical characteristics, and phasing of proposed subdivision.
  - B. Coordinate the proposed subdivision with any adopted facilities or infrastructure plans, PLANDanville, the City's Capital Improvements Program, and existing or proposed plans for development of neighboring properties.
  - C. Coordinate transportation improvements with existing and planned roadways within the vicinity of the proposed subdivision and as otherwise may be prescribed by PLANDanville, the Official Zoning Map or the City's Street Plan.
  - D. Determine any reasonable regulations and provisions uniquely applicable to the proposed subdivision as related to physiography, public utility and facilities service, drainage and flood control, transportation, environmental and historic impact, economic development, and facilitation of the creation of a convenient, attractive, and harmonious development.
  - E. Determine consistency with any conditions of zoning and proffer agreements.

c. *Required information.*

1. During the Pre-Application Planning Conference, the subdivider or developer shall provide the following information.
  - A. Any plans, sketches, draft plat exhibits, or other materials as deemed necessary by the Division Director of Planning/ Zoning Administrator to adequately describe the proposed subdivision.
2. During the Pre-Application Planning Conference, the Division Director of Planning/ Zoning Administrator shall provide the following information.
  - A. Any comprehensive planning and zoning issues, subdivision and site planning considerations, utility and infrastructure

considerations, or other regulations and provisions which are found to be supportive of this Code or contributive to the applicant's understanding of the general requirements as well as any special circumstances which may be related to subsequent subdivision approval.

3. *Preliminary Subdivision Plat.*

a. *Applicability.*

1. When the owner of any tract of land desires to subdivide their tract of land into more than 50 parcels, the subdivider shall receive Preliminary Subdivision Plat approval. If the owner of a tract of land desires to subdivide their tract into 50 parcels or fewer, the subdivider may voluntarily elect to seek Preliminary Subdivision Plat approval.
  - A. The Preliminary Subdivision Plat Checklist shall be prepared by the applicant's engineer or surveyor, and the checklist shall be certified for completeness in the signature block provided thereon.
  - B. A Preliminary Subdivision Plat shall display all information required by this Code and be consistent with the Preliminary Subdivision Plat Checklist.
    1. A submission including this information shall be deemed a complete submission.
    2. A submission lacking one (1) or more required pieces of information shall be deemed to be an incomplete submission.
      - a. If the application is deemed an incomplete submission, the applicant shall be notified by mail of any deficiencies in the application within 10 business days of submitting such Preliminary Subdivision Plat.
    3. The resubmission of a corrected Preliminary Subdivision Plat, which has been previously determined to be incomplete, shall be considered a new submission.

b. *Preparation standards.*

1. All Preliminary Subdivision Plats shall be prepared to the following standards.
  - A. All files shall be committed as a .pdf copy.
  - B. The file shall be no larger than 18 inches by 24 inches.
  - C. Each page shall include a page number and the seal of the surveyor/ engineer that prepared the plat.
  - D. All dimensions shall be shown to the nearest one hundredth (0.01) of a foot.
  - E. All bearings shall be shown in degrees.
  - F. All minutes and seconds shall be shown to the nearest second.
  - G. All areas shall be shown to the nearest on hundredth of a square foot.
  - H. All angles shall be shown to the nearest half degree, which shall be balanced and closed with an error of closure not to exceed one (1) to 20,000.
    1. All curves shall be defined by their radius, arc length, chord distance and chord bearing.
    2. Such curve data shall be tabulated and numbered to correspond with the respective numbered curve shown throughout the plat.
  - I. All maps shall include a north arrow and identify the scale used.
  - J. Where a map is split across multiple sheets, a sheet match line must be shown.
  - K. Topographic maps shall show contours at two-foot intervals.
2. A Preliminary Subdivision Plat and Preliminary Subdivision Plat Checklist shall display all of the following information as well as any information as may be reasonably necessary to determine compliance with this Code and any City, State, or federal regulation.
  - A. General information.
    1. Project name.
    2. Project location.
    3. Tax map and deed book.
    4. City project reference number.

5. Submission date.
  6. Applicant name.
  7. Applicant signature and parcel owner, if different than applicant.
  8. Applicant address.
  9. Applicant phone number.
  10. Engineer/ surveyor name.
  11. Engineer/ surveyor address.
  12. Engineer/ surveyor phone number.
- B. Title information.
1. Title block.
    - a. Subdivision name.
    - b. City of Danville tax map and parcel number.
    - c. Names and addresses of the owners of the property, existing mortgages, the subdivider, and the surveyor.
    - d. Scale of drawings.
    - e. Date of preparation.
  2. Surveying and mapping control information.
  3. Vicinity map at a scale of one (1) inch equals 1,000 feet.
  4. General information section, including the number of sheets comprising the preliminary plat and an index showing the location of the various sheets.
  5. Reference any proffers, special use permit conditions, waivers, or variances granted. Copies of all are to be attached.
  6. Seal and signature (on each sheet) by a Virginia certified land surveyor or professional engineer.
  7. Owner's dedication and consent properly worded and notarized.
  8. Signature panel for City approval.
- C. Plat information.
1. North arrow, match lines, and sheet numbers.
  2. Topography.

- a. Existing contours at two-foot intervals.
  - b. Proposed contours at two-foot intervals.
3. Current boundary survey.
  - a. Bearings and distances to at least three (3) nearest existing roadway lines, bench marks, or other permanent monuments.
4. Zoning and land use.
  - a. Present zoning and land use of tract.
  - b. Present zoning and land use of all abutting parcels.
  - c. Owners of all abutting parcels.
5. Existing parcels and setbacks.
  - a. Location of all existing parcel lines and total acreage in each.
6. Proposed parcels and setbacks.
  - a. Location of all proposed parcels.
  - b. All proposed setback lines.
  - c. Approximate acreage of each proposed parcel.
  - d. Approximate dimensions of each proposed parcel.
  - e. Proposed grading.
  - f. Proposed right-of-way acreage.
7. Roadways, easements, and rights-of-way.
  - a. Location of all existing and proposed roadways, easements, and other rights-of-way within or adjoining the subdivision.
  - b. Width of existing and proposed roadways, easements, and other rights-of-way within or adjoining the subdivision.
  - c. Grade of existing and proposed roadways, easements, and other rights-of-way within or adjoining the subdivision.
  - d. Names of existing and proposed roadways.
8. Utilities and fire hydrants.

- a. Location of all existing and proposed utilities and fire hydrants within or adjoining the subdivision.
  - b. Size of all existing and proposed utilities and fire hydrants within or adjoining the subdivision.
  - c. Elevations of all existing and proposed utilities and fire hydrants within or adjoining the subdivision.
9. Water supply, sanitary sewer, and drainage.
- a. Proposed method of water supply, sanitary sewer, and drainage.
  - b. Proposed connections with existing facilities.
  - c. Size of proposed facilities and any related accessory structures.
10. Location of existing and proposed storm drainage and stormwater managements systems.
11. Easements.
- a. Holders of any easements affecting the property.
  - b. The location, width, and use of any easements affecting the property.
12. Location of all existing buildings within the property.
13. Location of any natural or cultural features, cemeteries, and landmarks.
14. Designation, location, area, and names of existing watercourses, marshes, and wetlands.
15. Boundary of any 100-year floodplain and the source the floodplain information.
16. Open space, recreation areas, and buffer areas.
- a. The location all existing and proposed open spaces, recreation areas, and buffer areas.
  - b. The ownership structure all existing and proposed open spaces, recreation areas, and buffer areas.
  - c. The use of all existing and proposed open spaces, recreation areas, and buffer areas.

17. Proposed pedestrian facilities, bicycle paths, and shared-use paths.
  18. Location and dimensions of all proposed private alleys.
  19. Location and dimensions of all private roadways.
  20. Elements shown in PLANDanville or the Official Zoning Map.
  21. Proposed phasing plans and timeframe for completion.
  22. Legal description of the subdivision.
  23. Soils study and geotechnical report.
  24. Additional documentation and technical reports.
  25. Application for waiver, variance, or substitution.
- D. Surveyor/ engineer's certification of completion.
1. Surveyor/engineer name.
  2. Surveyor/ engineer seal.
  3. Surveyor/ engineer registration number.
  4. Date of certification.
- c. *Submission by the applicant.*
1. The applicant shall submit one (1) .pdf copy and two (2) hard copies of the Preliminary Subdivision Plat and Preliminary Subdivision Plat Checklist, including any relevant information, to the Division Director of Planning/ Zoning Administrator.
    - A. The Preliminary Subdivision Plat and Preliminary Subdivision Plat Checklist shall comply with subsection (b) above.
    - B. Review of the Preliminary Subdivision Plat and Preliminary Subdivision Plat Checklist shall comply with the proceedings of the Pre-Application Planning Conference.
  2. At the time of submission, the subdivider shall pay a fee. Such fee shall be in the form of cash or check, the amount thereof is to be determined in accordance with a schedule set and adopted by resolution by City Council.
  3. The Preliminary Subdivision Plat and other documents comprising an application shall be available for public viewing in the Department of Planning and Zoning.
- d. *Action by City staff.*

1. Within five (5) business days of receiving the Preliminary Subdivision Plat and Preliminary Subdivision Plat Checklist, the Division Director of Planning/ Zoning Administrator shall distribute a copy of the complete submission of the Preliminary Subdivision Plat, Preliminary Plat Checklist, and supporting plans to the individual members of the Subdivision Review Committee. The Committee shall meet within 30 business days from the date the complete Preliminary Subdivision Plat was received.
2. The Division Director of Planning/ Zoning Administrator shall provide the applicant with comments and recommendations of the City staff and Subdivision Review Committee within 30 business days of a complete submission.
  - A. In cases where Preliminary Subdivision Plat revisions, deletions, or additions are necessary to complete and satisfy the agency review process, the Division Director of Planning/ Zoning Administrator shall notify the applicant in writing.
  - B. Where revisions are required, the subdivider or developer shall revise the Preliminary Subdivision Plat to include all requirements of the Subdivision Review Committee and shall submit such revisions to the Division Director of Planning/ Zoning Administrator within 15 business days of receipt of the City's review comments.
    1. If the revised plat does not include required revisions or is not resubmitted within the 15 day period, the Division Director of Planning/ Zoning Administrator shall suspend the review period and shall notify the applicant in writing that the plat review shall not proceed until the required revisions are submitted per the determination of the Division Director of Planning/ Zoning Administrator.
  - C. Nothing contained herein shall obligate the applicant to revise the Preliminary Subdivision Plat to include recommendations from City staff or the Subdivision Review Committee which are above those specified as the minimum standards in this ordinance. However, in such case in which the applicant does not revise the

Preliminary Subdivision Plat to include recommendations of the Subdivision Review Committee, the applicant shall submit in writing to the Division Director of Planning/ Zoning Administrator a statement as to the reasons and justification for not incorporating such recommendations in the revised Preliminary Subdivision Plat.

3. At such time as the Division Director of Planning/ Zoning Administrator determines that the Preliminary Subdivision Plat complies with the requirements of this Code, the Division Director of Planning/ Zoning Administrator shall transmit the Preliminary Subdivision Plat, including the recommendations of the Subdivision Review Committee, to the Planning Commission for review and action.

e. *Action by the Planning Commission.*

1. A decision to approve or disapprove the Preliminary Subdivision Plat shall be rendered by the Planning Commission within the time frame outlined by the Code of Virginia § 15.2-2260, as measured from the date of the Division Director of Planning/ Zoning Administrator receiving the submission outlined in subsection (3)(c) of this section, unless the timeframe is waived by mutual agreement of the applicant and the City.

f. *Effect of approval.*

1. The approval of the Preliminary Subdivision Plat does not guarantee approval of the Final Subdivision Plat or Public Improvements Plan; nor does Preliminary Subdivision Plat approval constitute acceptance of the subdivision, or public dedications of areas within, nor does it establish authorization to proceed with construction or improvements within the subdivision.
2. No property shall be transferred or offered for sale, nor shall a permit be issued on the basis of an approved Preliminary Subdivision Plat.

g. *Validity period.*

1. Applicants shall have no more than five (5) years after receiving the Preliminary Subdivision Plat approval to submit a Final Subdivision Plat, Public Improvements Plan, and related engineering studies for a portion

or all of the subdivision. Failure to do so shall render the Preliminary Subdivision Plat approval null and void.

A. The Planning Commission may grant, upon written request by the applicant, an extension for a 12-month period.

4. *Public Improvements Plan and Final Subdivision Plat.*

a. *Applicability.*

1. When the owner of any tract of land desires to subdivide their land, the subdivider shall receive Final Subdivision Plat approval according to the standards established in this Code.

2. An applicant shall have the right to record an approved Preliminary Subdivision Plat through the phased approval of multiple Final Subdivision Plats in accordance with the Code of Virginia.

A. All such Final Subdivision Plats must be recorded within a time frame agreed to by the City and the subdivider during the Pre-Application Conference.

1. Upon petition by the applicant, the Planning Commission may grant an extension of this minimum timeframe for recordation by no more than 12 months. The extension must otherwise be consistent with the plat recordation guidelines established in the Code of Virginia.

b. *Preparation standards.*

1. All Final Subdivision Plats shall be prepared to the following standards.

A. All files shall be committed as two (2) hard copies and one (1) .pdf copy.

B. All copies shall contain the notarized signature of the applicant and parcel owner, if different than applicant.

C. The file shall be no larger than 18 inches by 24 inches.

D. Each page shall include a page number and the seal of the surveyor/ engineer that prepared the plat.

E. All dimensions shall be shown to the nearest one hundredth (0.01) of a foot.

F. All bearings shall be shown in degrees.

G. All minutes and seconds shall be shown to the nearest second.

- H. All areas shall be shown to the nearest on hundredth of a square foot.
  - I. All angles shall be shown to the nearest half (0.5) degree, which shall be balanced and closed with an error of closure not to exceed one (1) to 20,000.
    - 1. All curves shall be defined by their radius, arc length, chord distance and chord bearing.
    - 2. Such curve data shall be tabulated and numbered to correspond with the respective numbered curve shown throughout the plat.
  - J. All maps shall include a north arrow and identify the scale used.
  - K. Where a map is split across multiple sheets, a sheet match line must be shown.
  - L. Topographic maps shall show contours at two-foot intervals.
2. A Final Subdivision Plat and Final Subdivision Plat Checklist shall display all of the following information as well as any information as may be reasonably necessary to determine compliance with this Code and any City, State, or federal regulation.
- A. General information.
    - 1. Project name.
    - 2. Project location.
    - 3. Tax map and deed book.
    - 4. City project reference number.
    - 5. Submission date.
    - 6. Applicant name.
    - 7. Applicant signature, parcel owner, if different than applicant.
    - 8. Applicant address.
    - 9. Applicant phone number.
    - 10. Surveyor/ engineer name.
    - 11. Surveyor/ engineer address.
    - 12. Surveyor/ engineer phone number.
  - B. Title information.
    - 1. Title block.

- a. Subdivision name.
  - b. City of Danville tax map and parcel number.
  - c. Surveyor/ engineer name.
  - d. Surveyor/ engineer address.
  - e. Scale. (Must be one (1) inch equals 1,000 feet.)
  - f. Date of preparation.
2. Surveying and mapping control information.
  3. Vicinity map at scale of one (1) inch equals 1,000 feet.
  4. General information section, including the number of sheets comprising the preliminary plat and an index showing the location of the various sheets.
  5. Original seal and signature by a Virginia certified land surveyor or professional engineer.
    - a. Must be on every page.
  6. Surveyor's/ engineer's certificate.
  7. Owner's dedication and consent properly worded and notarized.
  8. Information contained on approved Preliminary Subdivision Plat.
  9. Signature panel for City approval.
- C. Plat information.
1. A topographic map.
  2. A current boundary survey showing bearings and distances to the three (3) nearest existing roadway lines, bench marks, or corner monuments.
  3. Parcel and subdivision boundaries with bearings and distances.
  4. City tax map and parcel number.
  5. Zoning classification.
  6. Number of parcels and area of each proposed parcel, listed by parcel number with property owner and PIN number.
  7. Total site or parcel acreage
  8. Location, dimensions, and purpose of any existing or proposed easements.

9. Location, dimensions, and purpose of any existing areas reserved or dedicated for public use.
10. Location, dimensions, and purpose of any proposed areas to be reserved or dedicated for public use.
11. When the subdivision consists of land acquired from more than one (1) source of title, the outlines of the various tracts shall be identified and indicated by dashed lines.
12. Location and dimensions of existing and proposed roadways, rights-of-way, and alleys.
13. Location of proposed roadway right-of-way lines.
14. Location and dimensions of existing and proposed parcels and building lines.
15. Location and type of all existing and proposed monuments.
16. All curve data listed in a complete curve table.
17. Sources of data used in preparing the Final Subdivision Plat.
  - a. Includes but is not limited to, plats of record and the deed book and page number citation of the last instrument in the chain of title whereby the parcel to be subdivided was created.
18. Location, type, and size of any existing watercourses or wetlands.
19. Location of any 100-year floodplains.
20. Location, centerline, and name of all existing or proposed public roadways within, adjacent to, or providing access to the subdivision.
21. Vacated roadways and parcels showing area vacated and area amounts reverted to adjacent parcels.
22. Location of all existing and proposed underground electric, telephone, and cable services.
23. Exact boundary lines of the tract as determined by a field survey.
24. When one (1) or more temporary turnarounds are shown, the following note shall be included on the plat.

- a. "The area on this plat designated as cul-de-sac will be constructed and used as other roadways in the subdivision until *(insert roadway name)* is/are extended to *(insert roadway name if possible, otherwise insert the following note: "A connecting roadway or to another cul-de-sac which is approved by plat by the Planning Commission")* at which time the land in the temporary turnaround area will be abandoned for roadway purposes and will revert to adjoining parcel owners in accordance with specific provisions in their respective deeds."
25. Location, widths, and names of all proposed roadways.
  - a. Indicate all angles of deflection, angles of intersection, radii, and lengths of tangents.
26. All dimensions, both linear and angular, for location of parcels, roadways, alleys, public and private easements.
27. A legal description of the subdivision.
28. Statement of availability of public utilities and services.
29. Master phasing plan for the subdivision.
30. Stormwater management study, report, and design based on applicable standards.
31. Traffic impact assessment.
32. Environmental impact assessment.
33. Floodplain engineering study.
34. Engineering studies for any bridges or special structures.
35. Documentation of any deeds of easement to be recorded with the subdivision.
36. Public Improvements Plan.
37. Subdivision parcel grading plan.
38. Every use requiring the establishment of a buffer yard or screening area shall note the following restrictions regarding the use of such buffer on a plat or other instrument recorded among land records.

- a. "Land designated as required buffers or landscape screening shall be landscaped and may only be used for structures, uses, or facilities in accord with the Zoning Ordinance."
39. The following note shall be included on the plat for all site plans or subdivisions that require a landscape plan.
    - a. "The owner of fee title to any property on which plant materials have been established per an approved plan shall be responsible for the maintenance, repair, and replacement of the approved plant material as required by the Zoning Ordinance."
  40. Soils study and geotechnical report.
  41. Additional documentation and technical reports.
  42. Verification of adequate public facilities.
  43. Application for waiver, variance, or substitution.
  44. Subdivision Improvements Bond estimate.
  45. Land Disturbance Permit Bond estimate.
  46. Landscaping Bond estimate.
  47. Surveyor's/ engineer's certification reading the following and signed by a licensed surveyor/ engineer.
    - a. I hereby certify that to the best of my knowledge and belief, all of the requirements of the Planning Commission and City Council, and ordinances of the City of Danville, Virginia, regarding the platting of subdivisions divisions within the City have been complied with. Given under my hand this (*insert date here.*)
  48. Certification reading the following and signed by the City Manager.
    - a. This subdivision known as the (*insert subdivision name*) Subdivision is approved by the undersigned in accordance with existing subdivision regulations and may be committed to record.

49. Owner's consent and dedication reading the following and signed by the applicant.
- a. Know all men by these presents, that the subdivision of land as shown on this plat, containing *(insert number of acres in subdivision)* acres, more or less, and designated as the *(insert subdivision name)* Subdivision situated in Danville, Virginia, is with the free consent and in accordance with the desires of the undersigned owners thereof; that all roadways on said plat are hereby dedicated to the public use, and that all parcels within the subdivision are subject to certain restrictions, reservations, stipulations and covenants as contained in a writing executed by the undersigned, under *(insert date)*, and recorded in the City of Danville Circuit Court Clerk's Office, Virginia, in Deed Book *(insert deed book name)* on Page *(insert deed book page number)*. The said acres of land hereby subdivided having been conveyed to *(insert recipient of conveyance)* by *(insert owner name)* by deed *(insert deed name)* dated *(insert date of deed)*, and recorded in the City of Danville Circuit Court Clerk's Office, Virginia, in Deed Book *(insert deed book name)* Page *(insert deed book page number)*. Given under our hands this *(insert date)*.
- D. Surveyor/ engineer's certification of completion.
- 1. Surveyor/engineer's name.
  - 2. Surveyor/engineer's signature.
  - 3. Surveyor/engineer's seal.
  - 4. Surveyor/engineer's registration number.
  - 5. Date of certification.
  - 6. The following statement.
    - a. "I have fully reviewed the City's requirements and certify this application to be a complete submission. I understand that an incomplete plat or incomplete checklist shall be deemed an incomplete submission

and shall be returned to the applicant upon determination of such by the Division Director of Planning/ Zoning Administrator.”

- c. Submission by applicant.
  - 1. The applicant shall submit one (1) .pdf copy and two (2) hard copies of the Final Subdivision Plat, Final Subdivision Plat Checklist, Public Improvements Plan, and Public Improvements Plan Checklist to the Division Director of Planning/ Zoning Administrator.
    - A. The Final Subdivision Plat and Public Improvements Plan shall be accompanied by payment of a fee for review and processing, with fee based on a fee schedule adopted by resolution of City Council.
    - B. The Final Subdivision Plat shall be prepared by a certified land surveyor licensed by the Commonwealth of Virginia and shall contain the signature and original professional seal of the land surveyor.
    - C. The accompanying Public Improvements Plan shall have been previously approved, or it shall be submitted and concurrently processed for approval in the manner prescribed by § 41.7.K.4. of this Code.
      - 1. The Public Improvements Plan shall be prepared by a registered professional engineer or B-class surveyor licensed by the Commonwealth of Virginia and shall contain the signature and original professional seal of the engineer or B-class surveyor.
  - 2. The City may establish a schedule of deadlines and cycles for the submission and review of such applications.
  - 3. The subdivider shall have the right to record one (1) or more of the remaining sections of a subdivision in accord with the Code of Virginia and as shown on an approved and valid Preliminary Subdivision Plat for a period of five (5) years from the date the Final Subdivision Plat for the first section of the subdivision was recorded, pursuant to Section 15.2-2261 of the Code of Virginia.

- A. The City may establish a schedule of deadlines and cycles for the submission and review of such applications.
  - B. Upon petition by the subdivider, an extension of this minimum timeframe for recordation may be granted for a period not to exceed 12 months as deemed reasonable and appropriate by the Planning Commission so long as the extension is otherwise consistent with the plat recordation guidelines established in the Code of Virginia.
- d. *Action by City staff.*
- 1. Within five (5) business days of receiving a submission, the Division Director of Planning/ Zoning Administrator shall distribute the submission to the Subdivision Review Committee for review and comment on the technical compliance with this Code and all applicable City standards.
    - A. If, in the opinion of the Division Director of Planning/ Zoning Administrator or the Planning Commission, there are substantial differences between the Preliminary Subdivision Plat and a Final Subdivision Plat, the review process shall be suspended until such point in time that the applicant revises the plat or revises such plats to warrant conformity, provided that the applicant, at their discretion, may revise and resubmit the Preliminary Subdivision Plat to conform with the Final Subdivision Plat.
    - B. City staff and the Subdivision Review Committee shall review and provide comments on the Final Subdivision Plat and Public Improvements Plan within 30 business days from the submission of the Final Subdivision Plat and Public Improvements Plan.
      - 1. In cases where revisions, deletions, or additions to the Final Subdivision Plat or Public Improvements Plan are necessary to complete and satisfy the review process, the Division Director of Planning/ Zoning Administrator shall notify the applicant in writing within 30 business days of submission of the Final Subdivision Plat and Public Improvements Plan.
      - 2. The Division Director of Planning/ Zoning Administrator shall provide the applicant with a written summary of such review

comments and recommendations within 30 business days of the submission.

- C. The subdivider or developer shall revise the Final Subdivision Plat and Public Improvements Plan to include all requirements from City staff and the Subdivision Review Committee and shall submit such revisions to the Division Director of Planning/ Zoning Administrator within 30 business days of receiving written notice from the Division Director of Planning/ Zoning Administrator.
  - 1. The resubmission shall be accompanied by a revised or updated Final Subdivision Plat Checklist and correspondence from the applicant's engineer or surveyor addressing each matter presented in the City's summary review comments.
  - 2. Where the revised plat or plan does not include required revisions or is not resubmitted within the 30 day period, the Division Director of Planning/ Zoning Administrator shall suspend the review period and shall notify the applicant in writing that the plat review shall not proceed until the required revisions are submitted per the determination of the Division Director of Planning/ Zoning Administrator.
- 2. Nothing contained herein shall obligate the applicant to revise the Final Subdivision Plat or Public Improvements Plan to include recommendations from City staff or the Subdivision Review Committee above or beyond those revisions required to meet the standards of this Code. However, in such case in which the applicant does not revise a Final Subdivision Plat or Public Improvements Plan to include the recommendations of the City staff or Subdivision Review Committee, the applicant shall submit in writing to the Division Director of Planning/ Zoning Administrator a statement as to the reasons and justification for not incorporating such recommendations in the revised plat and plan.
  - A. The Division Director of Planning/ Zoning Administrator shall prepare a report for distribution to the Planning Commission, applicant and other interested parties.

3. Upon determination that a Final Subdivision Plat does not require further revisions, the Division Director of Planning/ Zoning Administrator shall transmit the Final Subdivision Plat, Public Improvements Plan, and a report containing the findings and recommendations of the City staff and Subdivision Review Committee to the Planning Commission for action.
- e. *Action by Planning Commission.*
1. The Planning Commission shall render a decision to approve or disapprove the Final Subdivision Plat and Public Improvements Plan within the time frame outlined by the Code of Virginia § 15.2-2259, as measured from the date of the Division Director of Planning/ Zoning Administrator receiving the submission outlined in subsection (4)(c) of this section, unless the timeframe is waived by mutual agreement of the applicant and the City.
  2. No Final Subdivision Plat shall be approved prior to approval of the Public Improvements Plan, provided that a Final Subdivision Plat and Public Improvements Plan may be approved concurrently by the Planning Commission.
  3. The Final Subdivision Plat shall not be approved by the Planning Commission until:
    - A. The Public Improvements Plan related to the subdivision has fully complied with the requirements and standards of design outlined specifically and referred to more generally within this Code;
    - B. The applicant has submitted all required deeds and plats of easement; and
    - C. The subdivision bond and subdivision agreement have been approved and accepted by City Council.
  4. Approval of the Final Subdivision Plat shall be shown by attaching a signature panel to be signed by the City Clerk.
  5. Nothing herein shall require the approval of any subdivision or any part or feature thereof which shall be found to constitute a nuisance or to constitute a danger to the public health, safety, or general welfare, or which shall be determined by the Planning Commission to be a departure from or a violation of sound engineering design or standards.

f. *Appeal to City Council.*

1. Any person aggrieved by any decision of the Planning Commission or Division Director of Planning/ Zoning Administrator may, within 15 business days of such decision, appeal to and have a determination made by City Council.
  - A. City Council may approve, deny, or modify the appeal upon review of the facts and finding at a regularly scheduled meeting within 60 business days from date of such appeal.
2. Any applicant aggrieved by the failure of City Council to act on such an appeal within 60 business days or any applicant who is aggrieved by the decision rendered on such appeal by City Council may continue to appeal the matter to the City of Danville Circuit Court, provided that such appeal is filed within 60 business days from the date of such action or lack thereof by City Council.

g. *Effect of approval.*

1. The approval of the Final Subdivision Plat or Public Improvements Plan by the Planning Commission does not constitute acceptance of the public facilities.

h. *Validity period.*

1. Approval of a Final Subdivision Plat and Public Improvements Plan submitted under the provisions of this Code shall expire 12 months after the date of such approval, unless:
  - A. The Final Subdivision Plat has been duly recorded in the City of Danville Circuit Court Clerk's Office; and
  - B. The subdivision surety agreement and bond has been approved and accepted by City Council; or
  - C. An extension of the Final Subdivision Plat has been granted by the Planning Commission upon receipt of written request by applicant.
    1. Such extension grant shall not exceed a period of six (6) months.

5. *Subdivision Improvement Bond and Landscaping Bond.*

a. *Purpose.*

1. The City establishes the following requirements for Subdivision Improvement Bonds and Landscaping Bonds to ensure the timely and competent construction of all public improvements within a subdivision.
- b. *Generally.*
1. An applicant must post a Subdivision Improvement Bond and Landscaping Bond, or series of such bonds, prior to recording any Final Subdivision Plat or Public Improvements Plan to which the bond applies.
    - A. All such bonds must be approved by the City Attorney prior to being posted by the applicant.
    - B. All such bonds shall apply to the required physical improvements located within the existing or proposed public right-of-way, public easements, and private easements, or as are connected to any public utility or facility in form and substance as approved by the City.
  2. All bonds required by Chapter 13 Erosion and Sediment Control of the Danville City Code shall be governed by the standards established in Chapter 13.
- c. *Bond amount.*
1. The applicant's engineer shall submit an itemized, component cost estimate of all improvements planned for the subdivision, including the following elements.
    - A. Subdivision improvements.
    - B. Landscaping improvements.
    - C. Other public or private infrastructure to be dedicated to and maintained by public agents.
    - D. Proffered improvements and financial commitments related to conditional zoning approvals for the subdivision.
    - E. Other items as may be required for bonding by the Division Director of Planning/ Zoning Administrator.
  2. The component cost estimate for bonding shall be based upon industry norms within the region or City standard unit prices.

- A. The bond amount estimate shall include a reasonable allowance for administrative costs, inspection and fees, inflation, and potential damage to existing roadways or utilities. This allowance shall be equal to no more than 25% of the total construction costs.
    - 3. The bond amount estimate shall be submitted to and reviewed by the City Attorney and the Division Director of Planning/ Zoning Administrator prior to the review of the Final Subdivision Plat by the Planning Commission.
- d. *Period of Subdivision Improvement Bond.*
  - 1. When an applicant enters into a bond agreement with the City, it is understood that all necessary physical improvements must be completed in the specified period of time.
    - A. If all of the improvements are not completed to the sole satisfaction of the City within the period of the bond, and no extension has been obtained or a replacement surety has not been approved, the bond agreement shall be deemed in default.
  - 2. The maximum period of the bond agreement shall be 18 months, unless the initial bond period is extended by the Division Director of Planning/Zoning Administrator at the time of Final Subdivision Plat approval.
  - 3. The applicant and surety will be notified by the Division Director of Planning/ Zoning Administrator at least 60 business days prior to the end of the period of surety agreement.
    - A. For bonds which contain an expiration date, the applicant and surety will be notified at least 60 business days prior to expiration that an approved extension or new bond will be required and approved by the Division Director of Planning/Zoning Administrator.
- e. *Extension of bond agreement.*
  - 1. The applicant may request an extension of the expiration date of the bond agreements for a period not to exceed one (1) year provided that the following standards are met. The Division Director of

Planning/Zoning Administrator, at his sole discretion, shall approve or deny such a request.

- A. All bond agreements have been acquired and accepted by the City.
- B. The applicant has submitted an acceptable program of completion to the Division Director of Planning/ Zoning Administrator.
- C. Inspection of existing physical improvements is found satisfactory.
- D. There have been no undue and unattended complaints lodged against the applicant or the subdivision.
- E. The applicant's request for extension of the surety sufficiently addresses the reasons which have precluded the completion of the project within the original bond period.
- F. The bond cost estimate has been updated to the satisfaction of the Division Director of Planning/ Zoning Administrator.
- G. The applicant's extension request is received by the Division Director of Planning/ Zoning Administrator at least 30 business days prior to the end of the period of the bond agreement.

f. *Acceptable bond instruments.*

- 1. Subdivision Improvement Bonds and Landscaping Bonds shall be limited to the following bond instruments.
  - A. Cash escrows.
  - B. Letters of credit from an insured lending institution.
  - C. Cashier's or certified check.
  - D. Other surety as approved by the City Attorney.

g. *Release of a bond.*

- 1. The City shall release the Subdivision Improvement Bond upon issuance of a conditional construction approval by the City Engineer and posting of a Subdivision Maintenance Bond in accordance with § 41.7.K.7 and § 41.7.K.8, respectively.
- 2. Upon written request by the subdivider or developer, the City shall make partial bond releases for satisfactory subdivision performance and other factors in accordance with the Code of Virginia.

- A. Upon the City's review of such request, satisfactory inspection, and approval of improvements subject to the release request, such partial releases shall be made within 30 business days of a request.
  - B. The releases shall be based upon the percentage of the facilities completed and approved by the City, provided that no such releases may occur before the completion of at least 30% of the facilities covered by the bond.
  - C. The City shall not execute more than three (3) partial releases in any 12-month period.
  - D. If the Subdivision Improvement Bond is released in multiple partial releases, a Subdivision Maintenance Bond must be posted prior to each partial release for the appropriate amount to be released in accordance with § 41.7.K.8.
- 3. Landscaping Bond shall be released as set forth in § 41.7.K.11.
  - 4. A Land Disturbance Permit bond shall be released in accordance with Chapter 13.
- h. *Bond default.*
- 1. If the applicant or owner of property subject to a bond agreement fails to complete the criteria for the release of the bond within the specified timeframe of the bond agreement, the applicant and owner shall be deemed in default.
    - A. The applicant, owner, and surety will be mailed a copy of the Division Director of Planning/ Zoning Administrator's report on the default and will be advised of their right to be heard on the matter at a scheduled public hearing of the Planning Commission.
  - 2. The applicant, owner, and surety shall have 30 business days to correct the default and to otherwise complete an agreement with the City to complete the criteria subject to the default.
  - 3. If satisfactory action is not made within the prescribed period, the City Attorney shall proceed with the completion of the default action by the City against the applicant and owner. The City shall take any and all necessary legal actions to call the surety and secure monetary proceeds related thereto.

- A. The City shall take appropriate steps to initiate action to complete the improvements with any money secured from the default action pursuant to prior approved plans or revisions thereto which may be in the best interest of the residents of the subdivision.

6. *Construction inspections during installation of improvements.*

- a. All required public improvements shall be subject to continuous inspection and testing during construction in accordance with generally accepted engineering practice and applicable state and local construction inspection, testing, and quality assurance guidelines, as determined by the City Engineer.
- b. The applicant shall retain, at the applicant's expense, a qualified professional engineer, inspection firm, or other qualified third-party acceptable to the City Engineer to perform construction inspections and material testing for the public improvements.
- c. The inspector shall:
  - 1. Monitor the work for general conformance with the approved plans, specifications, and applicable codes and standards;
  - 2. Prepare periodic written inspection reports and test results and submit such documentation to the City Engineer at intervals specified by the City;
  - 3. Immediately notify the applicant and the City Engineer of any observed nonconforming work.
- d. The City and the City Engineer shall have the right, but not the obligation, to perform independent and unannounced inspections at any time. Such inspections shall not relieve the applicant of responsibility for compliance with approved plans and specifications.
- e. Work shall not proceed to the next construction phase until required inspections and testing for the prior phase have been completed and found acceptable by the third-party inspector and, when required, the City Engineer.
- f. The applicant shall provide reasonable notice to the City Engineer prior to critical construction activities (such as utility installation, subgrade preparation, pavement placement, and similar items) so that the City may perform spot inspections if desired.

7. *Final Inspection and conditional approval.*

- a. Upon completion of all required public improvements shown on the Final Subdivision Plat, the applicant may submit a written request for final inspection to the City Engineer. The request shall include:
    - 1. A certification from the applicant's engineer of record that the improvements have been constructed in general conformance with the approved plans and specifications;
    - 2. All required inspection reports, testing results, and record drawings (as-built plans).
  - b. Within 30 business days of receiving a complete request for final inspection, the City Engineer shall perform a final inspection of the public improvements and shall either:
    - 1. Issue a written conditional approval identifying any minor deficiencies or punch list items to be corrected; or
    - 2. Provide written notice of substantial noncompliance and the required corrective actions.
  - c. If the City Engineer determines that the public improvements substantially comply with this Code, the approved plans, and other applicable regulations, the City Engineer shall issue conditional approval of the construction.
  - d. Conditional approval shall become final and outright approval upon:
    - 1. Completion of all identified punch list or corrective items to the satisfaction of the City Engineer; and
    - 2. Posting and acceptance of the required Subdivision Maintenance Bond.
  - e. If the City Engineer determines that the public improvements do not substantially comply with this Code, the approved plans, or other applicable regulations or requirements, the City Engineer shall notify the applicant in writing of the deficiencies, and final approval shall be withheld until such deficiencies are corrected and a reinspection demonstrates compliance.
8. *Post-construction maintenance period.*
- a. The applicant shall be responsible for the maintenance and proper functioning of all required public improvements for a period of not less than 12 months from the date of conditional approval by the City Engineer, or until such improvements are formally accepted for dedication by the City, whichever occurs later.

9. *Subdivision Maintenance Bonds.*

a. *Purpose.*

1. The Subdivision Maintenance Bond is required to ensure the adequate performance of all public improvements between the conditional approval of such improvements and their acceptance for dedication by City Council.

b. *Generally.*

1. An applicant must post a Subdivision Maintenance Bond prior to the release or partial release of any Subdivision Improvement Bond.
  - A. All such bonds must be approved by the City Attorney prior to being posted by the applicant.
  - B. All such bonds shall apply to all public improvements included in the portion of the Subdivision Improvement Bond to be released.
2. Upon the posting of the Subdivision Maintenance Bond, the conditional approval shall be classified as an approval, and the Subdivision Improvement Bond shall be released.

c. *Bond amount.*

1. The value of the Subdivision Maintenance Bond shall be at least 20% of the total construction cost of the subdivision improvements.
  - A. If the Subdivision Maintenance Bond is released in anticipation of a partial release of a Subdivision Improvement Bond, the Subdivision Maintenance Bond may be equal in value to 20% of the subdivision improvements being released in the partial release.
2. In no circumstances shall the value of the Subdivision Maintenance Bond be insufficient to cover the cost of maintaining all subdivision improvements prior to their acceptance.

d. *Bond period.*

1. The timeframe for the duration of the Subdivision Maintenance Bond shall be determined by the Division Director of Planning/ Zoning Administrator prior to the release of the Subdivision Improvement Bond.

- e. *Extension of bond agreement.*
    - 1. The applicant may request an extension of the expiration date of the bond agreement for a period not to exceed one (1) year provided that the following standards are met. The Division Director of Planning/Zoning Administrator, at his sole discretion, shall approve or deny such a request.
      - A. All bond agreements have been acquired and accepted by the City.
      - B. The bond amount has been updated to the satisfaction of the Division Director of Planning/ Zoning Administrator.
      - C. The applicant's extension request is received by the Division Director of Planning/ Zoning Administrator at least 30 business days prior to the end of the period of the bond agreement.
  - f. *Acceptable bond instruments.*
    - 1. Subdivision Maintenance Bonds shall be limited to the following surety instruments.
      - A. Cash escrows.
      - B. Letters of credit from an insured lending institution.
      - C. Cashier's or certified check.
      - D. Other surety as approved by the City Attorney.
  - g. *Release of bonds.*
    - 1. The Subdivision Maintenance Bond shall not be released until the subdivision improvements are accepted and dedicated by the City in accordance with § 41.7.K.10.
  - h. *Bond default.*
    - 1. The criteria and procedure for default of a Subdivision Maintenance Bond shall be as set forth in § 41.7.K.5.h.
10. *Acceptance and dedication.*
- a. The rules and procedures for achieving acceptance and dedication of public improvements within a subdivision shall be established by City Council, as amended.

- b. Prior to acceptance of any public improvements, the applicant shall submit one (1) set of mylar record drawings, also known as as-built drawings, to the City as a condition for the acceptance of such facilities.
    - 1. The as-built drawings shall be prepared and sealed by a certified land surveyor or registered professional engineer duly authorized by the Commonwealth of Virginia to prepare the same,
    - 2. A digital copy of the above information in a format compatible with the City's GIS mapping system shall be provided.
  - c. Final release of subdivision bonding shall not be given until all site improvements are complete, and the as-built drawings are submitted to and approved by the City.
11. *Release of all remaining bond agreements.*
- a. *Subdivision Improvement Bond.*
    - 1. The Subdivision Improvement Bond shall be released in accordance with § 41.7.K.5.g.
  - b. *All other bonds.*
    - 1. For all bonds other than the Subdivision Improvement Bond, the City shall release all remaining instruments to the applicant upon acceptance of said improvements by the City and state.
      - A. For the purpose of a Subdivision Maintenance Bond, the term "acceptance" shall mean the said public improvements are accepted by and taken over for operation and maintenance by the City.
      - B. For the purpose of a Land Disturbance Permit Bond, acceptance shall mean when final stabilization of the site is determined by the City's Erosion and Sediment Control Program Administrator, and in accordance with Chapter 13.
      - C. For the purpose of a Landscaping Bond, acceptance shall mean the final installation of all required landscaping measures as determined by the Division Director of Planning/ Zoning Administrator.

## **§ 41.7.L. Subdivisions, Minor.**

### 1. *Submission.*

- a. A Minor Subdivision Plat shall be prepared by a certified land surveyor licensed in the Commonwealth of Virginia and show the metes and bounds of all parcels resulting from the minor subdivision. The minor subdivision plat shall include the following surveyor's certification.
  1. "This minor subdivision known as \_\_\_\_\_ Subdivision is approved by the undersigned pursuant to the Unified Development Code of the Danville City Code and may be admitted to record."
- b. A complete Minor Subdivision Plat shall include all information necessary to determine compliance with § 41.7.G.
  1. An application containing all the information required shall be deemed a complete submission.
  2. If an application lacks any of the information required by this Code, the City Engineer shall, within the timeframe established in the Code of Virginia § 15.2, return the application to the applicant with a written statement explaining the information needed to determine compliance with this Code.

### 2. *Approval.*

- a. Within the timeframe established in the Code of Virginia § 15.2, the Division Director of Planning/ Zoning Administrator shall act to approve or disapprove the Minor Subdivision Plat.
  1. If the Division Director of Planning/ Zoning Administrator approves the Minor Subdivision Plat, the Division Director of Planning/ Zoning Administrator shall forward the Minor Subdivision Plat to the City Engineer for approval or disapproval.
  2. If the Division Director of Planning/ Zoning Administrator disapproves the Minor Subdivision Plat, the Division Director of Planning/ Zoning Administrator shall return the Minor Subdivision Plat to the applicant with written notice explaining the reason for disapproval.
- b. Within the timeframe established in the Code of Virginia § 15.2 of receiving the Minor Subdivision Plat from the Division Director of Planning/ Zoning

Administrator, the City Engineer shall approve or disapprove the Minor Subdivision Plat.

1. If the City Engineer approves the Minor Subdivision Plat, the Minor Subdivision Plat shall be recorded in the City of Danville Circuit Court Clerk's Office, within the time period as set forth in this Code.
2. If the City Engineer disapproves the Minor Subdivision Plat, the City Engineer shall return the Minor Subdivision Plat to the applicant with written notice explaining the reason for disapproval.

### **§ 41.7.M.Waivers, Variances, and Substitutions.**

1. An applicant may request a waiver, variation, or substitution to the requirements for a Preliminary Subdivision Plat, Final Subdivision Plat, or Public Improvements Plan.
  - a. No such waiver, variation, or substitution shall be detrimental to the public health, safety or welfare, orderly development of the area, sound engineering practice, or to properties located within the project impact area.
2. A written request for a waiver, variation, or substitution shall state the rationale and justification for such request together with such alternatives as may be proposed by the applicant or owner.
3. Such request shall be submitted to the Division Director of Planning/ Zoning Administrator with the filing of a Preliminary Subdivision Plat, Final Subdivision Plat, or Public Improvements Plan.
  - a. For each requested individual waiver, variation, or substitution, a separate letter of application for the request must be submitted, accompanied by relevant documentation.
4. The Planning Commission or Board of Zoning Appeals, at its sole discretion, may accept the request for waiver, variation, or substitution for any requirement in a particular case upon a finding that the waiver, variation, or substitute of such requirement would advance the purposes of this Code and otherwise serve the public interest in a manner equal to or exceeding the desired effects of the requirements of this article.

- a. Alternatively, the Planning Commission or Board of Zoning Appeals may recommend a conditional modification to the request or the Planning Commission or Board of Zoning Appeals may deny the request.
5. Approval or conditional approval of a waiver, variation, or substitution request shall be accompanied by a statement from the approving authority as to the public purpose served by such waiver, variation, or substitution, particularly in regard to the purpose and intent of this Code and PLANDanville.
6. In deliberating on the request, the Planning Commission or Board of Zoning Appeals may require the submission of a formal engineering report or other related technical documentation or graphic exhibits to support the applicant's request for waiver, variation, or substitution.
  - a. At its discretion, the approving authority may solicit the input from a professional engineer or other consultant to assist in the review of the applicant's documentation.
7. The City shall adopt a schedule of fees for consideration of waivers, variances, and substitutions, with said fee to be paid by the applicant upon submission of a request for waiver, variance, or substitution.

#### **§ 41.7.N. Violations, Penalties, and Legal Remedies.**

1. *Enforcement.*
  - a. City Council may act through the Division Director of Planning/ Zoning Administrator to the extent that City Council finds appropriate for the enforcement of this article.
    1. No person may act for the Planning Commission in approving or disapproving any document requiring Planning Commission approval as set forth in §§ 41.7.K or 41.7.L unless explicitly provided for in this Code.
2. *Violations and penalties.*
  - a. Any person, whether the owner, applicant, subdivider, or agent, who sells or transfers any land of a subdivision before the Final Subdivision Plat has been duly approved and recorded and surety agreements for the subdivision have been posted and approved by City Council shall be guilty of a Class 1 misdemeanor.

- b. Any person who should knowingly continue construction after the issuance of a Stop Work Order by the Division Director of Planning/ Zoning Administrator or other designated representative of the City shall be guilty of a Class 1 misdemeanor for each day of said construction which should continue after issuance of the Stop Work Order.
  - c. Any person, whether owner, lessee, principal, agent, employee or otherwise, who violates any of the provisions of this Code, or permits any such violation, or fails to comply with any of the requirements of this Code, or who subdivides any land, constructs any improvements, erects any building, or uses any land in violation of any Preliminary Subdivision Plat, Final Subdivision Plat, or Public Improvements Plan submitted and approved under the provisions of this Code shall be guilty of a Class 1 misdemeanor and, upon conviction thereof, shall be subject to punishment as provided by law.
    - 1. Each parcel that constitutes a violation and each day that a violation continues shall be deemed a separate offense subject to cumulative fines and other penalties.
  - d. The Division Director of Planning/ Zoning Administrator may initiate injunction, mandamus, or any other appropriate action to prevent, enjoin, abate, or remove such erection or use in violation of any provision of this Code.
    - 1. Such action may also be instituted by any citizen who may be aggrieved or particularly damaged by a violation of any provisions of the Code.
3. *Notice of termination.*
- a. Upon becoming aware of any violation of any provisions of this Code, the Division Director of Planning/ Zoning Administrator shall serve notice of such violator on the person committing or permitting the same.
  - b. If such violation has not ceased within such reasonable time as specified on the notice served by the Division Director of Planning/ Zoning Administrator, the Division Director of Planning/ Zoning Administrator shall institute such action as may be necessary to terminate the violation.
4. *Remedies.*
- a. The remedies provided for in this Code are cumulative and not exclusive and shall be in addition to any other remedies provided by the law.



**CITY OF DANVILLE**  
**Community Development**  
**Division of Planning and Zoning**

**MEMORANDUM**

**DATE:** MARCH 9, 2026  
**TO:** CITY COUNCIL  
**FROM:** CITY PLANNING COMMISSION  
**RE:** CODE AMENDMENT REQUEST PZ26-00220

*Code amendment request PZ26-00220 filed by the City of Danville to amend Chapter 41 entitled "CODE Danville The Unified Development Code of Danville, Virginia" of the City of Danville, 2025 as amended. Specifically, amend Article 7 "Subdivisions".*

**RECOMMENDATION**

The Planning Commission, at their March 9, 2026, meeting voted 5-0 to recommend approval of Code amendment request PZ26-00220.

  
Mr. Jimmy Bolton, Vice Chair

# Council Letter City of Danville, Virginia



CL - 2607

NEW BUSINESS F.

## City Council REGULAR MEETING

**Meeting Date:** April 7, 2026

**Subject:** Amending and Reordaining Chapter 2 of the Danville City Code.

**From:** Christopher (Ryan) Dodson, Assistant City Attorney

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## COUNCIL ACTION

An Ordinance of the Council of the City of Danville, Virginia Repealing and Reordaining in its Entirety Chapter 2, Entitled "Administration", and Repealing Sections of Chapters 1.5, 4, 6, 8, 9, 18, 23, 25, 27, 32, 35, and 39, of the Code of the City of Danville, Virginia, 1986, As Amended.

## SUMMARY

City Staff is seeking approval from City Council to update the existing City Code Chapter 2 (Administration) and portions of the existing City Code Chapters 6 (Transportation and Aviation), 9 (Building and Development Regulations), 18 (Housing), 23 (Offenses – Miscellaneous), 25 (Parks and Recreation), 32 (Retirement System), 35 (Streets and traffic), and 39 (Vehicles for Hire), all relating to City administration. City Staff is also seeking approval from City Council to repeal four (4) parts of the existing City Code, Chapters 1.5 (City Council Elections) and 8 (Bondsmen) and portions of Chapters 4 (Amusements) and 27 (Police), as the state authorization allowing these parts has lapsed and these parts are no longer enforceable.

## BACKGROUND

Chapter 2 (Administration) of the City Code has largely not been updated since 1962, other than the creation of the various boards and commissions of the City. To ensure that the City is fully compliant with State law, is organized efficiently, and is engaging in best practices to carry out the laws and programs of the City, City staff recommends the Council adopt the attached proposed revision of Chapter 2, as well as the repeal of various other portions of the City Code that are either being directly incorporated into the proposed revision of Chapter 2 or are based on lapsed authority and are no longer enforceable.

The proposed revision was drafted with the goals of aligning City law with current State law and the new City Charter, enhancing the readability and usefulness of the Code, and adopting best practices to ensure uniformity and efficient organization of the City administration.

The primary organizational change to the Code from this proposal, is the relocation of all the various laws governing City boards and commissions throughout the Code within Chapter 2. This is accompanied by a single restatement of all the rules and other best practices applying to City boards to ensure uniformity for all boards, eliminate contradictory provisions, and eliminate repetition in the Code. Specifically, the proposal newly relocates the laws pertaining to the following boards into Chapter 2:

- Airport Commission
- Transportation Advisory Committee

- Board of Building Code Appeals
- Fair Housing Board
- Veterans' Memorial Committee
- Employees' Retirement Board
- Local Legends Banner Committee
- Ambulance Committee

The proposal newly adds the following extant boards that are not currently in the City Code into Chapter 2:

- Board of Equalization
- Community Policy & Management Team

The proposal eliminates references to the following boards that no longer exist:

- Coalition For A Safe Danville
- Danville United Community Relations Coalition
- Other Postemployment Benefits Board
- Transportation Safety Commission

An additional organizational change to the Code from this proposal includes the relocation of all the various laws establishing specific rules of procedure for City Council throughout Chapter 2 within the City Council's separate Rules of Procedure document. This eliminates contradictory provisions and repetition from the Code.

Other substantive changes in the proposed revision include:

- Aligning code provisions relating to conflicts of interest, public notices, and residency requirements with State law.
- Aligning code provisions relating to special meetings, various City departments, and City officers with the new City Charter.
- Adopting State language pertaining to board meetings during declared emergencies.
- Streamlining recordkeeping and reporting requirements for the various City departments, officers, and boards.
- Adjusting certain financial amounts for inflation, consistent with law.
- Clarifying that the City Manager can designate existing employees to State-required job titles, such as chief financial officer, assessor, building code official, to ensure continuity of government.
- Clarifying that the former City Seal is still valid for older documents.
- Clarifying that the chief financial officer can invest idle funds, in accordance with the new Charter.
- Clarifying that the Board of Building Code Appeals may hear appeals of certain decisions relating to derelict structures that do not arise out of the Statewide Building Code.

Notable non-substantive changes in the proposed revision include:

- Repealing code provisions for which the State authority has lapsed, specifically: Chapter 1.5 (City Council Elections and Organizational Meeting) pertaining to election dates that have since been updated in the 2025 City Charter update, Chapter 8 (Bondsmen) pertaining to bail bond regulations that were superseded by State law in 2004, Article III (Bingo Games and Raffles) of Chapter 4 pertaining to charitable gaming permits that were superseded by State law in 1995, and Article IV (Special Police Officers) of Chapter 27 pertaining to rules for deputizing certain City employees that were superseded by State law in 1996.
- Clarifying that a reference in the City Code to a specific officer also includes that officer's

designee to eliminate repetition.

- Clarifying the membership of the Staunton River Regional Industrial Facility Authority to reflect the exit of Altavista and the entry of Pittsylvania County.
- Eliminating incorrect or obsolete references to certain officers, departments, divisions, and boards to reflect the current state of City administration.
- Standardizing phrases, voice, tense, and other matters of vocabulary and grammar to make the Code easier to read.
- Various adjustments to capitalization, punctuation, list order, and numeric values to make the Code easier to understand.
- Reordering and renumbering the various sections of Chapter 2 in a more efficient manner.
- Providing headings for each numbered section or subsection to make the Code easier to navigate.
- Updating/adding citations and references to make the Code easier to research.

## **RECOMMENDATION**

City staff recommends approving the proposed revision of Chapter 2 (Administration) and the repeal of the related Code portions identified above.

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### **Attachments**

1. Ordinance
  2. Danville City Code Ch. 2 (Clean Copy)
  3. Copy of Chapter 2 Table (Final)
  4. Chapter 2 (Redline)
-

PRESENTED: \_\_\_\_\_

ADOPTED: \_\_\_\_\_

ORDINANCE NO. 2026-\_\_\_\_\_.\_\_\_\_\_

AN ORDINANCE OF THE COUNCIL OF THE CITY OF DANVILLE, VIRGINIA REPEALING AND REORDAINING IN ITS ENTIRETY CHAPTER 2, ENTITLED "ADMINISTRATION", AND REPEALING SECTIONS OF CHAPTERS 1.5, 4, 6, 8, 9, 18, 23, 25, 27, 32, 35, AND 39, OF THE CODE OF THE CITY OF DANVILLE, VIRGINIA, 1986, AS AMENDED.

WHEREAS, various chapters, articles, division, sections, and subsections of the Code of the City of Danville, Virginia, pertaining to the administration of the City need to be repealed; and

WHEREAS, the current language of various chapters, articles, division, sections, and subsections of the Code of the City of Danville, Virginia, pertaining to the administration of the City, of the Code of the City of Danville, Virginia, need to be updated, revised, consolidated, and reordained.

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

The following Chapters, Articles, Divisions, Sections, and Subsections of the Code of the City of Danville, Virginia, 1986, as amended are hereby REPEALED:

Chapter 1.5, entitled "City Council Elections and Organizational Meeting" of the Code of the City of Danville, Virginia, 1986, as amended;

Chapter 2, entitled "Administration" of the Code of the City of Danville, Virginia, 1986, as amended;

Article III, entitled "Bingo Games and Raffles" of Chapter 4, entitled "Amusements" of the Code of the City of Danville, Virginia, 1986, as amended;

Article I, entitled "Transportation Advisory Committee" and Division 2, entitled "Airport Commission" of Article II, entitled "Danville Regional Airport" of Chapter 6, entitled "Transportation and Aviation" of the Code of the City of Danville, Virginia, 1986, as amended;

Chapter 8, entitled “Bondsmen” of the Code of the City of Danville, Virginia, 1986, as amended;

Subsection B of Section 52, entitled “Administration and Enforcement Generally”, Section 54, entitled “Board of Appeals – Established”, Section 55, entitled “Same – Duties”, Section 56, entitled “Same – Appeal Fee”, and Section 83, entitled “Code Official” of Chapter 9, entitled “Building and Development Regulations” of the Code of the City of Danville, Virginia, 1986, as amended;

Section 24.10, entitled “Procedures for Receipt or Initiation of Complaint”, Section 24.11, entitled “Procedures for Investigation”, Section 24.12, entitled “Reasonable Cause Determination and Effect”, Section 24.13, entitled “No Reasonable Cause Determination and Effect”, Section 24.14, entitled “Conciliation”, Section 24.15, entitled “Issuance of a Charge”, Section 24.16, entitled “Article does not affect other Rights or Remedies”, Section 24.17, entitled “Suspension or Revocation of Real Estate License for Violation of Article”, Section 24.18, entitled “Application of Article”, Section 24.19, entitled “Construction of Law”, and Division 2, entitled “Fair Housing Board” of Article II, entitled “Fair Housing” of Chapter 18, entitled “Housing” of the Code of the City of Danville, Virginia, 1986, as amended;

Section 2, entitled “Obstructing or Interfering with City Officers or Employees” of Chapter 23, entitled “Offenses – Miscellaneous” of the Code of the City of Danville, Virginia, 1986, as amended;

Section 12, entitled “The Veteran’s Memorial of Danville/Pittsylvania County” of Chapter 25, entitled “Parks and Recreation” of the Code of the City of Danville, Virginia, 1986, as amended;

Article IV, entitled “Special Police Officers” of Chapter 27, entitled “Police” of the Code of the City of Danville, Virginia, 1986, as amended;

Section 21, entitled "Board of Trustees Generally" and Section 24, entitled "Board's Legal Adviser" of Chapter 32, entitled "Retirement System" of the Code of the City of Danville, Virginia, 1986, as amended;

Subsection C, entitled "Local legends banner display program" of Section 61, entitled "Banners and decorative materials encroaching across streets" of Chapter 35, entitled "Streets and traffic"; and

Section 101, entitled "Ambulance Committee" of Chapter 39, entitled "Vehicles for Hire" of the Code of the City of Danville, Virginia, 1986, as amended,

be, and the same are hereby, repealed in their entirety; and

BE IT FINALLY ORDAINED, by the Council of the City of Danville, Virginia, that Chapter 2, entitled "Administration", 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

## ARTICLE I. - CITY COUNCIL

### Sec. 2-1. – Purpose; Validity of prior rules, policies, and appointments.

- (a) *Purpose.* Pursuant to the authority granted to the City by the Constitution and other laws of the Commonwealth, the City Charter, and its inherent authority, the City does hereby adopt the following chapter to establish the administrative functions of the City government, promote the efficient and effective organization thereof, require accountability and good stewardship from City officers and employees, ensure fairness and due process for City residents when interacting with the City government, and enable the City government to execute its laws and programs for the betterment of the health, safety, and general welfare of the residents of Danville. The application of the provisions of this chapter.
- (b) *Prior acts and appointments unaffected.* Nothing in this chapter or its ordinance of adoption, shall affect any law, rule, or policy relating to the personnel system and policies of the City, including but not limited to, personnel administration, position classification, departmental organization and division, and pay plans for officers and employees, nor shall such chapter or ordinance affect any rule, policy, bylaw, or order legally made by any City department, board, officer, or employee, in force upon the effective date of this chapter, and all such laws, rules, policies, bylaws, and orders are hereby continued in full and remain valid. Any City officer, including but not limited to, the member of any City board or commission created by ordinance, who is selected or appointed for a specified term beginning prior to the effective date of this chapter, and whose term has not yet expired upon such effective date, shall continue to hold such office until the original term expires.

### Sec. 2-2. – City Council generally.

- (a) *Governing body.* The Council of the City of Danville shall be the governing body of the City.
- (b) *General powers and duties.* The Council is hereby vested with all legislative powers and duties allowed to it by the laws of the Commonwealth of Virginia and the City of Danville.
- (c) *Rules and procedures.* The Council may promulgate, establish, amend, or rescind such rules and procedures, consistent with the Charter and other law, as it deems are necessary to conduct its meetings and carry out its legal duties and powers. Such rules and procedures shall establish the time and location of regular Council meetings, provided that at least one (1) is held in each month.
- (d) *Budget.* The Council alone possesses the power to adopt the City budget or to authorize the appropriation or encumbrance of the public funds of the City. No contract shall be entered into or expenditure authorized on behalf of the City, unless an appropriation covering the amount of such contract or expenditure has been authorized by the Council. To the maximum extent allowed by law, any contract or appropriation made in violation of this subsection shall be considered void.

**Charter references** — City officers, § 1-3; Council meetings, § 2-4; Legislative powers, § 2-5.

Sec. 2-3. – Appointing and removing certain officers.

- (a) *Appointment.* The Council shall appoint the City Manager, the City Attorney, the City Clerk, and the members, commissioners, and trustees of the various City boards and commissions when such power of appointment is vested in it by law.
- (b) *Removal.* The Council may, by a majority vote of the whole body, remove from office any member, commissioner, trustee, or other City officer appointed by it, for malfeasance, misfeasance, nonfeasance, incapacity, or any other good cause.

**Charter references** — City officers, § 1-3; City Manager, § 3-1; City Attorney, § 3-2; City Clerk, § 3-3.

Sec. 2-4. – Vacancies in office.

- (a) *Generally.* If a vacancy in the Council shall occur, such vacancy shall be filled in accordance with the City Charter and Virginia law.
- (b) *Appointment.* When the Council shall be permitted to make an interim appointment to fill a vacancy, prior to making such appointment, the Council shall accept applications from interested persons, select finalists therefrom, and conduct public interviews of each finalist. The Council may select as many finalists from the applications as it desires, provided that the first runner-up in the most recent Council election shall automatically be considered a finalist.

**Charter references** — Council vacancies, § 2-2.

Sec. 2-5. – Disciplining members.

The Council may, by a majority vote of the whole body, punish a Council member for disorderly behavior by a fine of fifty dollars (\$50.00), and by a vote of three-fourths (3/4ths) of its whole number, expel a Council member for misconduct in office.

**Charter references** — Council meetings, § 2-4; Legislative powers, § 2-5.

Secs. 2-6—2-20. - Reserved.

## ARTICLE II. - CITY MANAGER

Sec. 2-21. – City Manager generally.

- (a) *Chief executive.* The City Manager shall be the chief executive officer of the City and shall be responsible to the Council for the proper and efficient administration of the City government, and all of its laws, programs, policies, and affairs.
- (b) *General powers and duties.* The City Manager shall, in the furtherance of this office, and consistent with law, possess the following powers and duties:
  - (1) *Administrative control.* To exercise supervision and control over all City administrative departments, divisions, and the officers and employees thereof;
  - (2) *Legal documents.* To execute all contracts, deeds, and other legal instruments on behalf of the City;
  - (3) *Custodian of real property.* To exercise custody and control over all City-owned buildings and other real property;
  - (4) *Custodian of personal property.* To exercise custody and control over all City-owned personal property and to sell any such property, provided that any sale pursuant to this power shall be sold through a competitive process, when feasible, to obtain the highest price;
  - (5) *Budget.* To, annually and in a timely manner, prepare and submit to the Council a proposed budget and a proposed schedule of all fees, other than those set out elsewhere in this Code, to be charged by the City for services rendered or permits or licenses issued during the ensuing fiscal year;
  - (6) *Reports.* To prepare and submit, or to authorize or require the preparation and submission, of reports and such other presentations to the Council, when deemed beneficial to the Council or upon request thereby; and
  - (7) *Meetings.* To attend all meetings of the Council and of any City board or commission.
- (c) *Rules and policies.* The City Manager may promulgate, establish, amend, or rescind rules and policies, consistent with law, as deemed necessary to interpret or carry out the duties of office and to ensure the fair and proper administration of the City government.
- (d) *Delegation of powers and duties.* The City Manager may delegate any power, duty, or responsibility granted thereto by this Code to a designee, consistent with law. Unless otherwise prohibited by law, any reference in this Code to the City Manager shall impliedly include such designee.

**Charter reference** — City Manager, § 3-1.

Sec. 2-22. – Deputies; Assistants; Acting City Manager.

- (a) *Deputies.* The City Manager may appoint one (1) or more Deputy or Assistant City Managers, as authorized by the Council. Each Deputy or Assistant City Manager shall oversee the administration of those City departments assigned thereto by the City Manager. A Deputy or Assistant City Manager may also serve as the director of a City department and shall have such other duties as may be prescribed by the City Manager.
- (b) *Assistants.* The City Manager may appoint one (1) or more assistants, as are authorized by the Council. Assistants shall have such duties as may be prescribed by the City Manager.
- (c) *Acting City Manager.* The City Manager may temporarily designate a Deputy or Assistant City Manager, assistant, or Department Director as Acting City Manager to perform the duties of office during an absence or disability. Any such designation that is to exceed thirty (30) days shall be expressly approved by the Council.

**Charter reference** — City Manager, § 3-1.

Sec. 2-23. - Appointment and removal of officers and employees.

- (a) *Appointing employees.* The City Manager shall appoint all such City officers and employees as the Council determines are necessary for the proper administration of the affairs of the City, except those appointed by the Council pursuant to the Charter, the deputies and assistants thereof, and those whose appointment is otherwise provided for in this Code. The City Manager shall designate from amongst such City officers and employees, a chief financial officer, chief law enforcement officer, assessor, engineer, zoning administrator, building code official, and such other local positions as are required by the laws of the Commonwealth to exist.
- (b) *Removing employees.* The City Manager shall have power to discipline and remove any officer or employee so appointed or designated thereby at-will, provided that the removal of any officer or employee whose tenure is protected by Virginia law, shall only be for-cause.

**Charter reference** — City Manager, § 3-1.

Sec. 2-24. Emergency Management.

- (a) *Director and Coordinator of Emergency Management.* In accordance with Va. Code §44-146.19, the City Manager shall be the Director of Emergency Management and may appoint an Emergency Management Coordinator, with the consent of the Council.
- (b) *Mutual aid agreements.* The City Manager, in collaboration with other public and private agencies within the Commonwealth or within an adjacent State, may develop or cause to be developed mutual aid arrangements for reciprocal assistance in case of an emergency or disaster too great to be dealt with unassisted.
- (c) *Emergency plan.* The City Manager shall prepare and keep current a local or interjurisdictional emergency plan for the area. The plan shall include, but not be limited to, responsibilities of all local departments and agencies, continuity plans, and an established chain of command.
- (d) *Declaration of emergency.* The City Manager may declare a local emergency, with the consent of the Council. In the event the Council cannot convene due to the disaster, the City Manager, or any member of the Council in the absence of the City Manager, may declare the existence of a local disaster, subject to confirmation by the Council at the next regularly scheduled meeting or a special meeting held within forty-five (45) days of the declaration, whichever occurs soonest. The Council, when in its judgment all emergency actions have been taken, shall take appropriate action to end the declared emergency.
- (e) *Curfews.* The City Manager is authorized and empowered to impose curfew regulations covering the entire City, when it appears that such restriction is necessary to preserve the peace and good order of the City, in accordance with law.
- (f) *Public buildings.* The City Manager is authorized to close any and all public buildings of the City, when such restriction appears necessary to preserve property, the safety of individuals or the peace and good order of the City.
- (g) *Water shortages.* The City Manager is authorized to declare and terminate water shortages of any degree of severity, consistent with the City emergency drought management plan, and to enforce those restrictions on water use required thereby.

**State law references** — Powers and duties of political subdivisions, Va. Code § 44-146.19; Joint action by political subdivisions, § 44-146.20; Declaration of local emergency, § 44-146.21; Regulation of assemblies or movement of persons or vehicles under certain circumstances; curfew; penalty, § 15.2-925; Purchase, sale, use of real property, § 15.2-1800.

**Cross reference** — Emergency drought management plan, Sec. 38-14.

Secs. 2-25—2-30. - Reserved.

### ARTICLE III. - CITY ATTORNEY

#### Sec. 2-31. – City Attorney generally.

- (a) *Chief legal officer.* The City Attorney shall be the chief legal officer of the Council, the School Board of the City, the City Manager, and all City departments, boards, and commissions in any matter affecting the interests of the City.
- (b) *General powers and duties.* The City Attorney shall, in the furtherance of this office, and consistent with law, possess the following powers and duties:
  - (1) *Cases and other legal proceedings.* To represent the City and the School Board as counsel and exercise management and control over any case or other legal matter involving the City or School Board, or in which it has an interest, and to initiate and conduct legal proceedings necessary to protect the interests thereof. The City Attorney shall defend and advocate for the legality of any valid City law, act, right, or other interest when challenged, as well as for any City officer or employee when any act performed in the discharge of official duties thereby is challenged; provided that in any proceeding to which a City officer or employee has been named a defendant in a personal capacity, the City shall employ legal counsel outside of the City Attorney's office to defend such officer or employee and shall pay any cost, expense, settlement, or judgment arising therefrom, out of funds provided therefor by the Council;
  - (2) *City laws.* To prepare or approve as to form any ordinance or resolution for introduction to the Council or School Board and to examine any existing ordinance or resolution and provide an official opinion as to its form and legality;
  - (3) *Legal documents.* To draft or approve as to form all contracts, deeds, and other legal instruments to which the City or School Board is a party or in which it has an interest;
  - (4) *Reports.* To prepare and submit, or to authorize or require the preparation and submission, of reports and such other legal opinions to the Council, School Board, City Manager, or other City officers or staff when deemed beneficial thereto or upon request thereby; and
  - (5) *Meetings.* To attend all meetings of the Council, the School Board, and of any City board or commission.
- (c) *Rules and policies.* The City Attorney may promulgate, establish, amend, or rescind rules and policies, consistent with law, as deemed necessary to interpret or carry out the duties of office and to ensure the fair and proper administration of the legal affairs of the government.
- (d) *Delegation of powers and duties.* The City Attorney may delegate any power, duty, or responsibility granted thereto by this Code to a designee, consistent with law. Unless otherwise prohibited by law, any reference in this Code to the City Attorney shall impliedly include such designee.

**Charter reference — City Attorney, § 3-2.**

Sec. 2-32. – Deputies; Assistants; Outside counsel.

- (a) *Deputies.* The City Attorney may appoint one (1) or more Deputy or Assistant City Attorneys, as authorized by the Council. Each Deputy or Assistant City Attorney shall oversee the legal matters assigned thereto by the City Attorney.
- (b) *Assistants.* The City Attorney may appoint one (1) or more assistants, as are authorized by the Council. Assistants shall have such duties as may be prescribed by the City Attorney.
- (c) *Outside counsel.* The City Attorney shall be the only City officer or employee authorized to employ legal counsel outside the City Attorney's office to represent the City. The City Attorney shall obtain consent of the City Council or, in cases of emergency, the consent of the Mayor, or if unavailable, the Vice Mayor, prior to employment of legal counsel outside the City Attorney's office. The consent of City Council shall not be required however, when legal counsel is provided as a part of the coverage of a City insurance policy. The City Attorney shall review and approve every invoice submitted by outside legal counsel prior to payment, except for any invoice submitted pursuant to coverage under a City insurance policy.

**Charter reference — City Attorney, § 3-2.**

Sec. 2-33. - Settlement of claims.

- (a) *Small claims.* The City Attorney is authorized to adjust, settle, compromise, or submit to arbitration any action, cause of action, account, debt, claim, or demand of any kind which is against the City, which the City may have against any person, or in which the City is concerned as debtor or creditor, provided such decision does not involve or require payment to exceed ten thousand dollars (\$10,000.00) per claim or demand. With the approval of the City Manager, the City Attorney may do likewise in matters not involving or requiring payment to exceed twenty-five thousand dollars (\$25,000.00) per claim or demand. The chief financial officer shall certify that the funds to settle any such claims have been appropriated and are available therefor prior to the execution of such settlement.
- (b) *Large claims.* In all other such matters involving the payment of money by or to the City, the City shall bring the matter to the attention of the Council in closed session for its consideration.

Secs. 2-34—4-40. - Reserved.

## ARTICLE IV. - CITY CLERK

### Sec. 2-41. – City Clerk generally.

- (a) *Chief custodian of records.* The City Clerk shall be the clerk for the Council, the chief custodian of its records, and shall be responsible thereto for the proper organization and administration of its meetings, proceedings, and other affairs.
- (b) *General powers and duties.* The City Clerk shall, in the furtherance of this office, and consistent with law, possess the following powers and duties:
  - (1) *Meetings.* To attend all meetings of the Council, keep the journal of any Council proceeding, and prepare, publish, and distribute all notices, advertisements, agendas, and minutes for the Council and its meetings and public hearings. The Clerk shall call the roll at Council meetings;
  - (2) *Public records.* The Clerk shall compile, keep, and maintain a record of all ordinances, resolutions, and other documents and records of the Council, all deeds, contracts, and other legal instruments to which the City is a party, and all other documents or records whose custody has been assigned thereto by the City Manager, the Council, or by law. The Clerk shall compile, keep, and maintain a record of all oaths given and all financial disclosures and conflicts of interest statements filed by the Council and any other City officer or employee, in accordance with law. The Clerk shall make any document or other record in the custody thereof available for inspection and copying by the Council, City officers, or members of the public upon request, consistent with law;
  - (3) *Filings.* The Clerk shall accept petitions, appeals, applications, and other filings and notices on behalf of the City and the Council, as prescribed by law;
  - (4) *City seal.* The Clerk shall be the custodian of the corporate seal of the City and shall be the officer authorized to use, authenticate, and attest to such seal, and to authenticate the emeritus City seal;
  - (5) *Other duties.* The Clerk shall perform for the Council such other services and duties customarily pertaining to such office. The Clerk may be appointed by the Council or the City Manager to any other office or position in the City government allowed thereby.
- (c) *Rules and policies.* The City Clerk may promulgate, establish, amend, or rescind rules, policies, and filing systems, consistent with law, as deemed necessary and proper to interpret or carry out the duties of office and to ensure the orderly filing, keeping, and sharing of all records charged to the custody thereof.
- (d) *Delegation of powers and duties.* The City Clerk may delegate any power, duty, or responsibility granted thereto by this Code to a designee, consistent with law. Unless otherwise prohibited by law, any reference in this Code to the City Clerk shall impliedly include such designee.

**Charter reference —** City Clerk, § 3-3.

Sec. 2-42. – Deputies; Assistants.

- (a) *Deputies.* The City Clerk may appoint one (1) or more Deputy or Assistant City Clerks, as authorized by the Council. Each Deputy or Assistant City Clerk shall oversee the administrative matters assigned thereto by the City Clerk.
- (b) *Assistants.* The City Clerk may appoint one (1) or more assistants, as are authorized by the Council. Assistants shall have such duties as may be prescribed by the City Clerk.

**Charter reference —** City Clerk, § 3-3.

Sec. 2-43. - City seal.

- (a) *Design.* The corporate seal of the City shall be circular in form, one and seven-eighths inches (1 7/8 in.) in diameter, with: a braided edge; the words "City of Danville, Virginia" appearing on the circumference; a sheaf of wheat positioned on either side of the word "Virginia" ; the numbers "17" on left side of the border and "93" on the right side of the border; a design in the center depicting a bridge over a river with the sun above the bridge; and the word "Seal" appearing in the center.
- (b) *Example.* An imprint of the City seal, adopted on April 2, 2024, is attached hereto as Exhibit "A".
- (c) *Validity.* Only the City seal adopted herein shall be used upon any City document, and no City document requiring the City seal shall be valid, unless the seal adopted herein shall be duly affixed thereto, attested by the City Clerk.

**Charter reference —** City Clerk, § 3-3.

Sec. 2-44. - Emeritus City seal.

- (a) *Design.* The emeritus City seal was circular in form, one and seven-eighths inches (1 7/8 in.) in diameter, with the words "City of Danville, Virginia", "Founded 1793", "Chartered 1830", and "Seal" appearing on the circumference and with a design in the center depicting industry, education, agriculture, and transportation.

- (b) *Example.* An imprint of the emeritus City seal, adopted on April 10, 1957, and retired on April 2, 2024, is attached hereto as Exhibit “B”.
- (c) *Validity.* The emeritus City seal shall not be affixed to any City document issued after the retirement thereof. Any City document to which the emeritus City seal has been affixed remains valid if such document was sealed prior to the adoption of the current City seal, upon authentication by the City Clerk.

Secs. 2-45—2-50. - Reserved.

## ARTICLE V. - CITY TREASURER

Sec. 2-51. – City Treasurer generally.

- (a) *Chief custodian of public funds.* The City Treasurer shall be the chief custodian of all City money and of all other public funds coming into the possession thereof in an official capacity as treasurer, and shall be responsible to the Council for the safe, prudent, and proper protection thereof.
- (b) *General powers and duties.* The City Treasurer shall, in the furtherance of this office, and consistent with law, possess the following powers and duties:
  - (1) *Custodian of public funds.* To receive and promptly deposit all money and other public funds belonging to or coming into the possession of the City and to disburse and pay all properly authorized accounts, warrants, and other legal demand instruments submitted thereto for payment, consistent with law. This shall include any public funds from or owed to the School Board, the Commonwealth, the United States, and any political subdivision thereof. The City Treasurer shall have custody over any investments or invested funds owned by the City or in its possession in a fiduciary capacity, unless otherwise provided by law or the terms of any trust.
  - (2) *Selection of depository institutions.* To select the banks, savings and loan associations, and other depository institutions with which City money shall be kept and preserved, consistent with law. No depository institution shall be selected, unless it is a qualified public depository pursuant to Va. Code § 2.2-4401 and is secured pursuant to the Virginia Security for Public Deposits Act (Va. Code § 2.2-4400 *et seq.*). No depository institution shall be selected or continued to be used if such institution has been found to be committing discriminatory practices by a court of competent jurisdiction, pursuant to Va. Code § 36-96.4;
  - (3) *Bonds.* To register, receive, deliver, exchange, retire, and protect all validly issued City bonds and notes, consistent with law;

- (4) *Record keeping.* To compile, keep, and maintain a record of any check, money, or other payment collected by or made to the City along with the source thereof, any check, warrant, or other disbursement made by the City, and any other financial document or information whose custody is assigned thereto by the City Manager, the Council, or by law. The Treasurer shall make any record or other document in the custody thereof available for inspection and copying by the Council, City Manager, or other City officers at all times, and to members of the public upon request, consistent with law. The Treasurer shall transfer possession of all such records, together with any balance or money on hand, to any successor in office, or to the Council upon written request;
  - (5) *Reports.* To prepare and submit, or to authorize or require the preparation and submission, of reports, accountings, and such other information to the Council, City Manager, or other City officers when deemed beneficial thereto or upon request thereby. This shall include a monthly report to the chief financial officer showing the state of the treasury on the last day of the previous month along with the balance of money on hand at that time, a statement of all money received during the previous month and on what account, a list of all checks and warrants paid during the previous month, and such other information, accountings, and statements as requested by the chief financial officer. This shall also include an annual accounting made no more than fifteen (15) days after the end of the fiscal year showing a full and detailed accounting of all receipts and disbursements made during the previous fiscal year;
  - (6) *Notices.* To prepare, publish, and distribute all notices and advertisements required of such office by law; and
  - (7) *Other duties.* To perform for the Council such other services and duties customarily pertaining to such office, as required by law.
- (c) *Rules and policies.* The City Treasurer may promulgate, establish, amend, or rescind rules, policies, and filing systems, consistent with law, as deemed necessary and proper to interpret or carry out the duties of office and to ensure the prompt and orderly receipt, deposit, disbursement, documentation, and sharing of all account and other records whose custody has been charged thereto.
  - (d) *Delegation of powers and duties.* The City Treasurer may delegate any power, duty, or responsibility granted thereto by this Code to a designee, consistent with law. Unless otherwise prohibited by law, any reference in this Code to the City Treasurer shall impliedly include such designee.

**Charter reference** — City Treasurer, § 4-2.

Sec. 2-52. – Deputies; Assistants.

- (a) *Deputies.* The City Treasurer may appoint one (1) or more Deputy or Assistant City Treasurers, as authorized by the Council. Each Deputy or Assistant City Treasurer shall oversee the administrative matters assigned thereto by the City Treasurer.
- (b) *Assistants.* The City Treasurer may appoint one (1) or more assistants, as are authorized by the Council. Assistants shall have such duties as may be prescribed by the City Treasurer.

**State law reference** — Treasurer, Va. Code § 15.2-1608.

Sec. 2-53. - Disbursements of public funds.

- (a) *City funds.* City funds under the custody of the City Treasurer shall be paid out by voucher or check only when issued by the chief financial officer and countersigned by the City Treasurer, provided that the chief financial officer may independently issue utility consumer deposit fund checks and imprest cash funds checks.
- (b) *School Board funds.* City funds under the custody of the City Treasurer which are designated for public school purposes shall be credited to the order of the School Board and shall be paid out by voucher or check only on the order of the Board when issued by the Clerk of the School Board and countersigned by its Chairman.
- (c) *Facsimile signatures.* To the extent allowed by law, any signature required by this section may be made manually or by means of a device or machine, and any bank designated as a City depository shall honor all City checks signed by device or machine in the same manner as manually signed checks.

**State law references** — Financial officer, Va. Code § 15.2-1537; Disposition of state funds locally collected, Va. Code § 15.2-1537.1; Form and manner of execution, Va. Code § 15.2-2613.

Sec. 2-54. – Additional charges and fees.

- (a) *Delinquent finance charges.* Any invoice, charge, or other amount owed to the City which is not paid within thirty (30) days of the initial bill or prior to the issuance of the next subsequent bill therefor, whichever is later, shall be subject to a delinquent finance charge at a rate of ten percent (10%) per annum or the maximum amount allowed by law, whichever is lesser, applied monthly to the delinquent amount, unless some other penalty, interest, or other late fee is otherwise required by law. The City shall collect and account for any delinquent finance charge in the same manner as is authorized for other City revenue.
- (b) *Bad check service fees.* Any person who utters, publishes, or passes to the City, in payment of any amount owed thereto, any check, draft, or order which is subsequently returned unpaid because

there are insufficient funds, there is no account, the account has been closed, or such check, draft, or order is subject to a stop-payment order placed in bad faith by the drawer, shall pay a service fee to the City of the maximum amount allowed by law for each such occurrence.

**State law references** — Penalty and interest for failure to pay accounts when due, Va. Code § 15.2-105; Ordinances providing fee for passing bad checks to localities, Va. Code § 15.2-106; Counties, cities, and towns may provide dates for filing returns and set penalties, interest, Va. Code § 58.1-3916.

Sec. 2-55. – Investment of idle funds.

Notwithstanding the provisions of this article, the chief financial officer is hereby authorized to invest or deposit any idle funds belonging to the City or in its possession, including but not limited to the proceeds of any bond pending the use of such proceeds, in any security, investment, or revenue-producing deposit allowed by law.

**Charter reference** — City Treasurer, § 4-2.

**State law reference** — Investment of proceeds pending application to authorized purpose, Va. Code § 15.2-2619.

Secs. 2-56—2-60. - Reserved.

ARTICLE VI. - RESERVED

Secs. 2-61—2-70. - Reserved.

ARTICLE VII. - CITY WORKFORCE

DIVISION 1. - CITY DEPARTMENTS

Sec. 2-71. – Obstructing City officers or employees.

It shall be a Class 1 misdemeanor for any person to knowingly, without just cause:

- (1) *Obstruct City officers.* Obstruct any judge, magistrate, justice, juror, attorney for the Commonwealth, witness, law enforcement officer, or any other City officer or employee lawfully engaged in the performance of the legal duties thereof, or to fail or refuse to cease such obstruction when requested to do so thereby;
- (3) *Threaten City officers.* Attempt to intimidate or impede any judge, magistrate, justice, juror, attorney for the Commonwealth, witness, law enforcement officer, or other City officer or employee lawfully engaged in the performance of the legal duties thereof, by threats or force; or
- (4) *Obstruct justice.* Obstruct or impede the administration of justice in any court in the City.

**State law reference** — Obstructing justice, Va. Code § 18.2-460.

Sec. 2-72. - Composition.

- (a) *Organization.* The functions of the City government shall be organized into such departments, as may be provided by the orders of the City Manager, consistent with law. Each department of City government shall consist of a director and such other officers and employees, organized into such divisions, as may be provided by the orders of the director, with the approval of the City Manager. The City Manager is hereby empowered to create, alter, abolish, combine, assign, reassign, or redistribute any department or division, or the duties thereof, to any other department or division of the City.
- (b) *Temporary departments.* The City Manager is hereby empowered to create, alter, and abolish temporary departments to perform special work, provided the Council appropriates sufficient funding for the operation thereof. No temporary department created pursuant to this subsection shall exist for more than two (2) years.

**State law references** — Organization of local government, Va. Code § 15.2-1500; Designation of officers to perform certain duties, Va. Code § 15.2-1501.

**Charter reference** — City Manager, § 3-1.

Sec. 2-73. – Department directors.

- (a) *Generally.* Each department established by this article shall be under the direction and supervision of a department director whose title and duties generally shall be as set forth in the position classification and pay plan of the City, as approved by the Council.
- (b) *Appointment.* Each director shall be appointed by and serve at the pleasure of the City Manager for an indefinite term.

- (c) *Powers and duties.* Each department director shall perform such duties as may be required by law and such other duties relating to the department as may be required by the City Manager. Except as otherwise provided by law, each department director shall appoint and remove, subject to the approval of the City Manager, all other officers and employees within the department as have been authorized by the Council. Each department director shall have power to make rules and policies, with the consent of the City Manager, for the conduct of its assigned departmental duties, consistent with law.
- (d) *Delegation of powers and duties.* Each department director may, with the consent of the City Manager, delegate any power, duty, or responsibility granted thereto by this Code to a designee, consistent with law. Unless otherwise prohibited by law, any reference in this Code to a department or division director shall impliedly include such designee.

**State law reference** — Employment of certain deputies and assistants, Va. Code § 15.2-1502.

Sec. 2-74. - Division directors.

- (a) *Generally.* Each division of a City department shall be under the direction and supervision of a division director whose title and duties generally shall be as set forth in the position classification and pay plan of the City, as approved by the Council.
- (b) *Chain of command.* Each division director shall report directly to the director of the department to which such division is assigned. If the position of department director is vacant, the division directors of that department shall report directly to the City Manager until such time as an acting or permanent department director is appointed.

**State law reference** — Organization of local government, Va. Code § 15.2-1500.

Sec. 2-75. – Departmental financial policies.

- (a) *Financial records.* Each City department shall create, maintain, and secure all of its fiscal accounts, statements, and other financial records in such system and manner as is required by the chief financial officer. Such records shall be made available to the chief financial officer upon request for inspection and audit.
- (b) *Employee payroll.* Each City department shall provide the chief financial officer with such information relating to its officers and employees, as the chief financial officer deems necessary to properly prepare and issue salary, wage, and other payroll compensation therefor. The City

may temporarily adjust future compensation payments to any City officer or employee to recover any amount that has been improperly or erroneously paid thereto, in accordance with law.

**State law reference** — Recovery of certain improper payments to state officers and employees, Va. Code § 2.2-804.

Sec. 2-76. – Requirements for certain City officers or employees.

- (a) *Bonds.* The City shall provide a bond covering the City officers and employees in such amount as is required by State law and approved by the City Manager, payable to the City and conditioned upon the honest and faithful discharge of the public duties of such officers and employees.
- (b) *Conflicts of interest.* Each City officer and employee is subject to and shall comply with the State and Local Government Conflict of Interests Act (Va. Code §§ 2.2-3100 *et seq.*) and shall, when required by law or the personnel policies of the City, timely file any financial disclosures required by law with the City Clerk, in accordance with law.
- (c) *Residency requirements.* During their tenure in office, the City Manager, any Deputy City Manager or Assistant City Manager, and the City Attorney shall reside within the City.
- (d) *Certain contracts.* Pursuant to Va. Code § 40.1-57.2, the City shall not recognize any person or association as a bargaining agent on behalf of any City officer or employee for the purpose of negotiating contracts or other terms and conditions of employment, to the maximum extent allowed by law.

**State law references** — State and Local Government Conflict of Interests Act, Va. Code § 2.2-3100 *et seq.*; Employment based on residency prohibited for certain employees, Va. Code § 15.2-1505; Bonds of officers, § 15.2-1527.

Secs. 2-77—2-100. - Reserved.

#### ARTICLE VIII. – CITY BOARDS GENERALLY

Sec. 2-101. – Applicability; Staggering of terms; residency.

- (a) *Applicability.* As used in this article, the term *board* includes any City board, committee, commission, authority, or other appointed body provided for in Articles IX – XIII of this chapter. The requirements of this article shall apply to all City boards, unless otherwise specified by this chapter.
- (b) *Staggering of terms.* Whenever a City board is newly created, the inaugural members shall be appointed to staggered terms, such that the initial terms of a near equal number of the inaugural members shall expire early each year, in proportion to the number of years of a full term. Upon such early expiration, all subsequent appointments shall be for a full term. Service by any inaugural member for a term that expires early shall not count towards any term limits required by this article. The Council shall determine the assignment of the inaugural members into such staggered terms.
- (c) *Residency of board members.* Unless otherwise expressly allowed by law, any person appointed to a City board shall be a resident of the City.

**State law reference** — Employment based on residency prohibited for certain employees, Va. Code § 15.2-1505.

Sec. 2-102. – Oath of office.

- (a) *Oath of office.* Every person appointed by the Council to any City office or board shall, before exercising the duties of office, take and subscribe to the oath prescribed by Virginia law for State officers.
- (b) *Administration of oath.* Such oath may be administered by the Clerk of the Circuit Court, the City Clerk, or any person authorized to administer oaths under Virginia law.
- (c) *Certification of oath.* A certificate of every such oath having been taken shall be filed with the City Clerk unless otherwise provided by law, and shall be maintained thereby as a public record.
- (d) *Validity of existing oaths.* Separate oaths shall not be required from a person appointed by Council to a City board if such person:
  - (1) *City Council.* Is a current member of the Council or another local governing body in the Commonwealth; or
  - (2) *Other official.* Is currently holding an elected or appointed office in the Commonwealth for which the same oath has already been given and whose existing term of office exceeds the term of the new appointment, including but not limited to any elected local officers.
- (e) *Not required.* An oath shall not be required from a person appointed to a City board if such person:
  - (1) *City Manager.* Is the City Manager or the chief executive of another locality in the Commonwealth; or

- (2) *Non-voting member.* Is only an *ex officio* or non-voting board member.

**Charter reference** — City officers, § 1-3.

**State law references** — Oath and bond, Va. Code § 15.2-1512; Form of general oath required of officers, Va. Code § 49-1; Who may administer oaths to officers, Va. Code § 49-3.

Sec. 2-103. – Terms of board members.

- (a) *Term Limits.* No person appointed as a voting member to any City board shall be eligible for reappointment to the same position if such person has served four (4) consecutive terms when the term of office is for three (3) years or less or for three (3) consecutive terms when the term of office is for four (4) years or more. When a person is appointed to fill less than fifty percent (50%) percent of the unexpired term of a prior appointee, such term of office shall not be counted as a term of office in enforcing or applying this limitation. However, in no case shall a person serve more than fifteen (15) consecutive years on any board. Any person ineligible for reappointment to a board under the provisions of this Section shall again be eligible for reappointment to such board after at least one (1) full year has elapsed since the expiration of the last term of office therefor.
- (b) *Expiration of term.* Whenever the term for the member of any City board is fixed by law, such member shall continue to hold office after the expiration of such term until a successor is appointed and qualified, except when the board member is a member of the Council or any other local elected body or officer, in which case such term shall terminate immediately upon such member no longer holding such office. The term of an appointment to any City board shall begin on January 1, unless such board operates in accordance with the fiscal year, in which such case the term shall begin July 1.
- (c) *Absenteeism.* Any person appointed to a City board who fails to attend seventy-five percent (75%) of the regular meetings of said board in any twelve (12) month period shall be deemed to have resigned from such office. The appointment by Council of another person to fill said office shall constitute an acceptance of the resignation.
- (d) *Removal.* Any person appointed to a City board by the Council may be removed for malfeasance, misfeasance, nonfeasance, incapacity, or any other good cause by a majority vote of the whole Council.
- (e) *Vacancy.* Any vacancy occurring in the voting membership of any City board shall be filled for the unexpired term in the same manner as the office was previously filled.
- (f) *Calendar year.* Each City board shall begin its calendar year on January 1 and conclude on December 31, other than the Utility Commission and any Asset Board which shall begin their calendar year on July 1 and conclude on June 30.

Sec. 2-104. – Conflicts of interest.

- (a) *Voting.* Each voting member appointed to any City board shall be required to vote on each item presented for a vote at any meeting thereof at which such member is present, unless such member has a valid conflict of interest, in which case such member shall note the presence of such conflict for the record.
- (b) *Financial disclosure.* Each voting member appointed to any City board shall timely file any financial disclosures required by law with the City Clerk.

**State law reference** — State and Local Government Conflict of Interests Act, Va. Code §§ 2.2-3100 *et seq.*

Sec. 2-105. – Meetings.

- (a) *Regular meetings.* Each City board shall convene and conduct meetings for the handling of its general business and duties in regular intervals at a fixed time, date, and place as determined by the board in its bylaws. A copy of the fixed time, date, and place of regular meetings for each City board shall be posted on the City's public government website and in a prominent location in the City Clerk's office. If the date of a regular meeting falls on a legal holiday observed by the City, the meeting shall be held on the next business day following such holiday, unless a different day is otherwise fixed by the board at a previous regular meeting. Each City board shall regularly meet to carry out its duties in a timely manner, but in no case shall any action board meet fewer than eight (8) times annually, nor shall any advisory or asset board meet fewer than four (4) times annually. Appeal boards and Ad hoc boards need only meet when there is proper business requiring action from such board. Any City board may cancel a regular meeting if there are no business items properly before the board or due to inclement weather or similar unforeseen circumstances.
- (b) *Special meetings.* A special meeting of any City board may be called upon written request to the secretary of such board by the Mayor, the City Manager, the board Chairman, or any two (2) board members. The secretary shall provide written notice to all board members at least three (3) business days in advance of any special meeting, except in the case of an emergency in which case such notice shall be provided at least three (3) hours before the time designated on the notice. Written notice shall not be required to be provided to a member if:
  - (1) *Regular meeting notice.* the time and place of the special meeting has been fixed at a regular meeting;
  - (2) *Attendance.* the member is present at the special meeting; or
  - (3) *Waiver.* the member has waived notice in writing.

- (c) *Quorum.* Consistent with law, a majority of the members of any City board shall constitute a quorum and no action of any such board shall be valid unless authorized by a majority vote of those present and voting unless the abstention from a member with a valid conflict of interest results in a lower vote total.
- (d) *Officers.* Each City board shall elect from its membership a Chairman, Vice-Chairman, and if desired by the board, a Deputy Vice-Chairman, each for a one (1) year term at its inaugural meeting each year and may elect similar additional officers from its membership at the option of the board. The Chairman shall sign all official documents on behalf of the board and when present shall preside over, rule on procedural questions, and direct the proceedings of all board meetings. The Vice-Chairman shall exercise the same duties in the absence of the Chairman, as shall the Deputy Vice-Chairman, if any, in the absence of both the Chairman and Vice-Chairman. If both the Chairman and Vice-Chairman are absent from a meeting, and the board has not elected any other officers, then the board shall elect from its a membership an acting Chairman to exercise the duties of Chairman until the meeting adjourns.
- (e) *Committees.* The Chairman of any City board may appoint committees consisting of a portion of its membership for purposes and terms as deemed necessary by the Chairman.
- (f) *Bylaws.* Each City board may adopt and amend its own bylaws and procedures for the conduct of its meetings, provided such bylaws and procedures are otherwise consistent with this Code and Virginia law. In the absence of bylaws or other law, questions of order shall be governed by the most recent revision of Robert's Rules of Order.
- (g) *Notice.* In addition to any other public notice or advertisement required by law, public notice of any City board meeting shall be posted both on the City's public website and in a prominent public location in the City Clerk's office. Notice, reasonable under the circumstances, of special, emergency, or continued meetings shall be given contemporaneously with the notice provided to the members of the City board conducting the meeting. Public notice and advertisement of a special meeting shall not be required if the time of such meeting has been fixed at a previous regular meeting.
- (h) *Request for notice.* Any person may annually file a written request for notification with a City board. The request shall include the requester's name, address, telephone number, electronic mail address, and organization, if any. The City board receiving such request shall provide notice of all meetings directly to each such person. Such notice may be provided electronically, unless otherwise objected to by the person so requesting.
- (i) *Meeting agenda packet.* At least one (1) copy of the proposed agenda and all agenda packets and, unless exempt, all materials furnished to members of any City board for a meeting shall be made available for public inspection at the same time such documents are furnished to the members of such board.
- (j) *Public meetings.* Except for closed sessions conducted in accordance with Virginia law, any meeting of a City board shall be open to the general public to attend and shall not be conducted in any building or facility where recording devices are prohibited. Any person may photograph, film, record, or otherwise reproduce any portion of a public meeting, subject to reasonable rules

adopted by such board relating to the placement and use of broadcasting, photographing, filming, or recording equipment to prevent interference with the proceedings of the meeting.

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

**State law reference** — Virginia Freedom of Information Act, Va. Code §§ 2.2-3700 *et seq.*

Sec. 2-106. – Emergency meetings.

- (a) *Remote participation during an emergency.* Any City board may meet by electronic communication means without a quorum of the board physically assembled at one (1) location when the Governor or the City has declared a state of emergency in accordance with law if the catastrophic nature of the declared emergency makes it impracticable or unsafe to assemble a quorum in a single location and the purpose of the meeting is to provide for the continuity of operations of the board or the discharge of its lawful purposes, duties, and responsibilities. This authority shall last only for the duration of the emergency declared.
- (b) *Requirements.* Any City board convening an emergency meeting shall:
  - (1) *Public notice.* Give public notice using the best available method given the nature of the emergency, which notice shall be given contemporaneously with the notice provided to members of the board conducting the meeting;
  - (2) *Public access.* Make arrangements for public access to such meeting through electronic communication means, including but not limited to video-conferencing, if already used by the board;
  - (3) *Public comment.* Provide the public with the opportunity to comment at those meetings of the board when public comment is customarily received; and

- (4) *Minutes.* Include the nature of the emergency, the fact that the meeting was held by electronic communication means, and the type of electronic communication means by which the meeting was held in the minutes.

**State law reference** — Virginia Freedom of Information Act, Va. Code §§ 2.2-3700 *et seq.*

Sec. 2-107. – Remote participation.

- (a) *Council authorization.* The following section shall only apply to a City board upon the separate passage of a Resolution by the Council authorizing such board to adopt the policy contained herein.
- (a) *Remote participation.* Individual members of a City board, or any committee or subcommittee thereof, may remotely participate through electronic communications instead of attending a public meeting in person when such member:
  - (1) *Illness.* has a temporary or permanent disability or other medical condition that prevents such member from attending in person;
  - (2) *Family illness.* has a family member with a temporary or permanent disability or other medical condition requiring care that prevents such member from attending in person; or
  - (3) *Personal matter.* is unable to attend the meeting due to a personal matter and identifies with specificity the nature of the personal matter.
- (b) *Requests.* A request by a board member to participate remotely shall be made to the board secretary in writing at least three (3) days prior to any regular meeting or at least twenty-four (24) hours prior to any special meeting. Such request shall specify the reason why the board member is unable to attend the meeting in person and shall be maintained by the secretary. Such request, if for a reason approved by this section, shall be granted to any member, provided that no member may use remote participation more than two (2) meetings per calendar year. This policy shall be applied strictly and uniformly, without exception, to the entire membership of such board without regard to the identity of the member requesting remote participation or the matters that will be considered or voted on at the meeting.
- (c) *Minutes.* Any City board permitting the remote participation of a member shall include such fact, the identity of such member, a general description of the remote location from which the member participated, and the reason cited by the member for such remote participation in the meeting minutes.

**State law reference** — Virginia Freedom of Information Act, Va. Code §§ 2.2-3700 *et seq.*

Sec. 2-108. – City assistance.

- (a) *Assistance from the City Manager.* Upon the request of any City board, the City Manager may, from time to time, for the purpose of carrying out certain duties under the direction of such board:
  - (1) *City staff.* Assign or detail to the board any member of the City staff;
  - (2) *Consultants.* Hire and retain any such engineer, consultant, or other provider of professional services as the board deems necessary within the budgetary limits provided therefor; and
  - (3) *Other assistance.* Provide such other information, materials, and reasonable assistance as may be required and requested by the board in the performance of its duties.
- (b) *Training.* The City shall provide each board member with appropriate training and instruction on the City government and the purpose, powers, duties, procedures, and programs of such board.
- (c) *Legal advisor.* Consistent with law, the City Attorney shall be the parliamentarian, legal advisor, and counsel to each City board.
- (d) *Secretary.* Unless otherwise specified by law, the City shall designate and appoint a member of the City staff to serve as secretary of each City board. The secretary shall be responsible for the preparation and distribution of all notices, advertisements, agendas, and minutes for the board and its meetings and public hearings. The secretary shall keep and maintain all board records and render and perform for the board such other services and duties customarily pertaining to such office.
- (e) *Compensation and expenses.* Unless otherwise specified by law, each member appointed to a board shall serve in such office without compensation. Each board member shall be reimbursed by the City for admission fees, travel costs, and other reasonable expenses incurred by such member in the performance of official duties or when attending any professional conference or workshop, subject to and in accordance with the approved reimbursement policies of the City.
- (f) *Contracts.* Unless otherwise specified by law, no City board shall have the authority to contract on behalf of the City.

**State law reference** — Traveling expenses on business of town, city or county, Va. Code § 15.2-1508.1.

Secs. 2-109—2-120. - Reserved.

## ARTICLE IX. – ACTION BOARDS

### DIVISION 1. – ARCHITECTURAL REVIEW BOARD

#### Sec. 2-121. - Creation.

Pursuant to the authority granted by Va. Code §15.2-2306, there is hereby created a review board, which is designated as the Architectural Review Board.

**State law references** — Preservation of historical sites and architectural areas, Va. Code § 15.2-2306.

#### Sec. 2-122. - Composition.

The Architectural Review Board shall consist of seven (7) members, who shall be appointed at-large by the Council to staggered terms of five (5) years each, as follows:

- (1) *Property owners.* At least three (3) members shall own real property within the Architectural Review Overlay (ARO) zoning district; and
- (2) *Architect.* At least one (1) member shall be an architect or architectural historian; and
- (3) *Preservationist.* At least one (1) member shall be a professional historian, archaeologist, landscape architect, or land-use planner

#### Sec. 2-123. – Powers and duties.

The Architectural Review Board shall have the power to review and act to approve or disapprove applications for Certificates of Appropriateness issued pursuant to 41.8.F.

**Cross reference** — Certificates of Appropriateness, Danville City Code Sec. 41.8.F.

Secs. 2-124—2-130. - Reserved.

### DIVISION 2. – COMMUNITY POLICY AND MANAGEMENT TEAM

#### Sec. 2-131. - Creation.

Pursuant to the authority granted by Va. Code § 2.2-5204, there is hereby created a Community Policy and Management Team for the City of Danville.

**State law references** — Community policy and management teams; appointment, Va. Code § 2.2-5204;

Sec. 2-132. - Composition.

- (a) *Qualifications generally.* The Community Policy and Management Team shall consist of eight (8) voting members, five (5) of whom shall serve on the basis of title or office, and three (3) of whom shall be appointed by the Council to staggered terms of three (3) years each, as follows:
- (1) *City official.* One (1) member shall be an elected or appointed City officer;
  - (2) *Private provider.* One (1) member shall represent a private organization that provides services to children or families within the City; and
  - (3) *Parent.* One (1) member shall be a parent.
- (c) *Qualifications of title.* Of the five (5) members to serve on the basis of title or office:
- (1) *Social Services Director.* One (1) member shall represent the Director of the Social Services;
  - (2) *School Superintendent.* At least one (1) member shall represent the Superintendent of Danville Public Schools;
  - (3) *Juvenile Court Services.* One (1) member shall represent the head of the 22<sup>nd</sup> Judicial District Juvenile Court Services Unit;
  - (4) *Health Director.* At least one (1) member shall represent the director of the Pittsylvania/Danville Health District;
  - (5) *Community Services Board.* One (1) member shall represent the director of the Community Services Board;

**State law references** — Community policy and management teams; appointment, Va. Code § 2.2-5204; Community policy and management teams; membership, Va. Code § 2.2-5205.

Sec. 2-133. - Powers and duties.

The Community Policy and Management Team shall have all powers and duties entrusted to local community policy and management teams under State law, including but not limited to those granted by Va. Code § 2.2-5206, § 2.2-5306, and § 16.1-309.3.

**State law references** — Community policy and management teams; powers and duties, Va. Code § 2.2-5206; Duties of local public agencies, Va. Code § 2.2-5305; Establishment of a community-based system of services, Va. Code § 16.1-309.3.

Secs. 2-134—2-140. - Reserved.

### DIVISION 3. – PLANNING COMMISSION

Sec. 2-141. - Creation.

Pursuant to Va. Code §15.2-2210, there is hereby created a local planning commission, to be known as the Danville Planning Commission.

**State law reference** — Creation of local planning commissions, Va. Code § 15.2-2210.

Sec. 2-142. - Composition.

The Danville Planning Commission shall consist of seven (7) commissioners, who shall be appointed by the Council to staggered terms of four (4) years each, as follows:

- (1) *Property owners.* At least four (4) commissioners shall own real property within the City; and
- (2) *Board of Zoning Appeals.* No more than one (1) commissioner may also be a member of the Board of Zoning Appeals.

**State law reference** — Qualifications, appointment, removal, terms and compensation of members of local planning commission, Va. Code § 15.2-2212.

Sec. 2-143. - Powers and duties.

- (a) *Generally.* The Planning Commission shall have all powers and duties granted to local planning commissions by Chapter 22 of Title 15.2 (§15.2-2200 *et seq.*) of the Code of Virginia and other State law.
- (b) *Action board.* The Commission shall be the official action board for the City relating to certain planning matters, and shall accordingly have the following powers:
  - (1) *Site plan approval.* To review and approve Preliminary Site Plans and Final Site Plans when requested by the Zoning Administrator or the administrative processes of the City so require.
  - (2) *Proposed public facilities approval.* To approve the general or approximate location, character, and extent of any proposed public facility, including but not limited to, any street, park or other public area, public building, or utility other than a railroad, whether publicly or privately owned.
- (b) *Advisory board.* The Commission shall, in accordance with law, advise the Council, including with accompanying recommendations and plans when applicable, on the following matters:
  - (1) *Comprehensive Plan.* A Comprehensive Plan for the physical development of the City, as well as updates thereto at least once every five (5) years;
  - (2) *Unified Development Code.* A Unified Development Code for zoning within the City, as well as proposed amendments thereto;
  - (3) *Capital Improvement Program.* A Capital Improvement Program for the development of public infrastructure in the City, as well as proposed amendments thereto;
  - (4) *Official Map.* An Official Map for the City, as well as proposed amendments thereto; and
  - (5) *Special Use Permits.* Recommendations on applications for Special Use Permits and other requests that are required to be reviewed by the Planning Commission by law.

**State law reference —** Duties of commissions, Va. Code § 15.2-2221.

Secs. 2-144—2-150. - Reserved.

**DIVISION 4. – UTILITY COMMISSION**

Sec. 2-151. - Creation.

There is hereby established a utility commission to oversee the public utility operations of the City, to be known as the Danville Utility Commission.

**State law reference** — Appointment of advisory boards, committees and commission, Va. Code § 15.2-1411.

Sec. 2-152. - Composition.

- (a) *Qualifications.* The Danville Utility Commission shall consist of seven (7) voting members, one (1) of whom shall be the City Manager and six (6) of whom shall be appointed by the Council to staggered terms of three (3) years each, as follows:
  - (1) *City residents.* At least four (4) members shall be residents of the City;
  - (2) *Utility customers.* at least two (2) members shall be customers of the utility system; and
  - (3) *County customer.* At least one (1) member shall be a customer of the utility system from outside the territorial limits of the City.
- (c) *Non-voting members.* An active member of the Council and of the Pittsylvania County Board of Supervisors shall each be appointed by their respective bodies as *ex officio* members of the Commission without the right to vote or to serve as officers thereof.

Sec. 2-153. - Powers and duties.

- (a) *Action board.* The Commission shall be the official action board to make and establish the following rules, policies, and fees, as the Commission deems are necessary to provide the efficient delivery of utility services:
  - (1) *Non-consumption utility fees.* Non-consumption utility fees, including but not limited to fees for utility service connections and extensions, availability, and late payments;
  - (2) *Utility extensions.* Rules and policies for extensions of the utility system; and
  - (3) *Other policies.* Rules and policies for other general service matters that are not designated by law to the Council, the City Manager, or the Director of Utilities.
- (b) *Advisory board.* The Commission shall advise the Council on the following matters:
  - (1) *Condemnation.* Condemnation requests of public right-of-way for utility use;
  - (2) *Utility consumption rates.* Prior to the adoption of any City ordinance adjusting utility consumption rates, such changes shall be reviewed by the Commission. The Commission may present its recommendations for utility consumption rates, as well as any utility rate studies conducted on behalf of the Commission, to the Council for consideration;

- (3) *Budget.* Prior to the adoption of the annual budget, the Commission shall coordinate with the Director of Utilities to timely prepare and submit to the Council a budget forecast of all utility system operations for the upcoming fiscal year. Such forecast shall include anticipated revenues, costs and expenses, capital improvements, debt servicing, surplus contributions to the General Fund, and requests for any consumption rate changes;
- (4) *Administration.* The fair and consistent administration of utility services; and
- (5) *Code amendments.* Recommendations for amendments to City law relating to utility service.

Secs. 2-154—2-200. - Reserved.

## ARTICLE X. – ADVISORY BOARDS

### DIVISION 1. – AIRPORT COMMISSION

Sec. 2-201. – Creation; Scope.

- (a) *Creation.* Pursuant to the authority granted in Va. Code § 5.1-41, there is hereby created the Airport Commission, the duties of which shall be as set forth in this Division. It is expressly provided that the provisions of Va. Code § 5.1-35 and § 5.1-36 are not applicable to the Airport Commission.
- (b) *Definitions.* When used in this division, the term *airport* means the Danville Regional Airport located at 424 Airport Drive.

**Cross reference** — Transportation and Aviation, Danville City Code Ch. 6.

Sec. 2-202. - Composition.

- (a) *Qualifications.* The Airport Commission shall consist of eight (8) members to be appointed by the Council to staggered terms of three (3) years each, as follows:
  - (1) *City residents.* At least four (4) members shall be residents of the City;
  - (2) *Licensed pilots.* At least two (2) of the eight (8) members shall be licensed pilots;
  - (3) *Danville Development Council.* One (1) member shall be a member of the Danville Development Council; and

- (4) *Non-City residents.* At least two (2) members shall be residents of Caswell County, Pittsylvania County, or Halifax County.
- (b) *Non-voting members.* The City Manager and the Transportation Services Director shall be non-voting members of the Commission.

Sec. 2-203. – Powers and duties.

The Airport Commission shall advise the Council on the following matters:

- (1) *Operations.* Recommendations for rules and policies relating to the minimum operating standards of the airport;
- (2) *Fees and charges.* Fees and charges for airport services, including but not limited to, fees for hangar use, ground leases, maintenance services, and equipment or facility rentals;
- (3) *Budget.* Prior to the adoption of the annual budget, the Commission shall coordinate with the Transportation Services Director to timely prepare and submit to the Council a budget forecast of all airport operations for the upcoming fiscal year. Such forecast shall include anticipated revenues, costs and expenses, capital improvements, debt servicing, and requests for any fee changes;
- (4) *Development.* Priorities and goals for airport development, capital improvements, service expansions, promotion, education, and potential funding sources therefor;
- (5) *Administration.* The fair and consistent administration of airport policies.

**Cross reference** — Transportation and Aviation, Danville City Code Ch. 6.

Secs. 2-204—2-210. - Reserved.

DIVISION 2. – FAIR HOUSING BOARD

Sec. 2-211. - Creation.

Pursuant to the authority granted by Va. Code §36-96.21, there is hereby created an advisory board to be known as the Fair Housing Board, the duties of which shall be as set forth in this Division.

**State law reference** — Powers of counties, cities and towns, Va. Code § 36-96.21.

Sec. 2-212. - Composition.

- (a) *Qualifications.* The Fair Housing Board shall consist of five (5) members to be appointed at-large by the Council to staggered terms of three (3) years each.
- (b) *Non-voting member.* The City Manager shall designate a City employee as the administrator for the Board, to be known as the Fair Housing Officer of the City. The Fair Housing Officer shall be a non-voting member of the Board.

**Cross reference** — Appointment and removal of officers, Danville City Code Sec. 2-23.

Sec. 2-213. – Powers and duties.

The Board shall have the following powers and duties:

- (1) *Fair housing.* To advise the Council on fair housing issues, including the nature and causes thereof, and possible solutions thereto; and
- (2) *Education.* To conduct educational programs to eliminate housing discrimination, promote fair housing, and provide information to the public about fair housing laws.

**State law reference** — Virginia Fair Housing Law, Va. Code §§ 36-96.1 *et seq.*

Secs. 2-214—2-220. - Reserved.

DIVISION 3. – RESERVED.

Secs. 2-221—2-230. - Reserved.

DIVISION 4. – PUBLIC ARTS COMMISSION

Sec. 2-231. – Creation; Scope.

- (a) *Creation.* It is the general policy of the City Council that public art is important and vital to the community character of the City of Danville. To better promote and involve the citizens of Danville in the process of selecting public art, and pursuant to the authority granted in Va. Code §15.2-1411, the Public Arts Commission is hereby created, the duties of which shall be as set forth in this division.
- (b) *Definitions.* When used in this division, the term *public art* means any non-obscene visual or performance art displayed or performed in a public place or with the assistance of the City. *Public art* includes, but is not limited to, any sculpture, mural, portrait, functional art, light installation, stained glass, mosaic, textile, multi-media, pop-up or temporary art, public performance, community participatory art, site-specific art, or other mediums of artistic expression displayed for public enjoyment.

**State law reference** — Appointment of advisory boards, committees and commission, Va. Code § 15.2-1411.

Sec. 2-232. - Composition.

- (a) *Qualifications.* The Public Arts Commission shall consist of seven (7) Commissioners, six (6) of whom shall be appointed at-large by the Council to a staggered term of four (4) years each and one (1) of whom shall be appointed by the Parks and Recreation Director to a term of four (4) years.
- (b) *Non-voting member.* The Council shall also appoint a member of the Council to serve a two (2) year term as a non-voting member of the Commission.

Sec. 2-233. – Powers and duties.

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

- (1) *Planning.* To create an annual public art plan, including lists of and schedules for any public art projects and performances planned during the fiscal year, and to create a long-term arts and cultural master plan to guide the future promotion of public art in the City;
- (2) *Inventory.* To, with assistance from City staff, create, maintain, and publish a comprehensive inventory of all public art and cultural resources in the City;
- (3) *Project proposals.* To review proposals and grant applications for public art projects and performances in the City, as well as proposed donations of public art to the City, and to make recommendations to City staff on which proposals, applications, and donations to

implement, fund, and accept, and which artists and performers to commission or select therefor;

- (4) *Placement.* To review and recommend the location at which specific pieces of art may be displayed;
- (5) *Public outreach.* To seek public input on proposed public art projects and performances, the potential locations and types thereof, and to make recommendations to the City to promote cultural initiatives and public access to art; and
- (6) *Report.* To submit an annual report to the Council, including an updated public art inventory, a review of new public art projects and performances since the last report, and recommended policy changes to promote the arts and protect and preserve the cultural heritage of Danville.

Secs. 2-234—2-240. - Reserved.

#### DIVISION 5. - SOCIAL SERVICES ADVISORY BOARD

Sec. 2-241. – Creation.

- (a) *Board of Social Services.* Pursuant to the authority granted in Va. Code § 63.2-300, § 63.2-304, and § 63.2-324, the City Department of Social Services is hereby designated as the local department of social services and the Social Services Director is hereby designated as the local official constituting the local board of social services for the City. The Director shall have all powers and duties granted to local boards of social services under State law, and may designate a subordinate to approve, cancel, or change grants issued pursuant to Title 63.2 of the Virginia Code.
- (b) *Social Services Advisory Board.* Pursuant to the authority granted in Va. Code §63.2-305, the Social Services Advisory Board is hereby created, the duties of which shall be as set forth in this Division.

**State law references** — Local boards established by local governments, Va. Code § 63.2-300; How local board of a city is constituted, Va. Code § 63.2-304; Advisory boards, Va. Code § 63.2-305; Local departments of social services, Va. Code § 63.2-324.

Sec. 2-242. - Composition.

- (a) *Qualifications.* The Social Services Advisory Board shall consist of seven (7) members to be appointed at-large by the Council to staggered terms of four (4) years each
- (b) *Non-voting member.* The Social Services Director shall be a non-voting member of the Board.

**State law reference** — Advisory boards, Va. Code § 63.2-305.

Sec. 2-243. – Powers and duties.

The Social Services Advisory Board shall have the following powers and duties:

- (1) *Program administration.* To meet with the Social Services Director to review the implementation and management of City public assistance and social services programs, and to recommend thereto policy changes to ensure the fair and consistent administration thereof; and
- (2) *Report.* To submit an annual report to the Council reviewing City public assistance and social services programs, the administration thereof, and recommended policy changes to improve such programs.

**State law reference** — Advisory boards, Va. Code § 63.2-305.

Secs. 2-244—2-250. - Reserved.

#### DIVISION 6. – TRANSPORTATION ADVISORY COMMITTEE

Sec. 2-251. - Creation.

Pursuant to the authority granted in Va. Code § 15.2-1411, there is hereby created the Transportation Advisory Committee, the duties of which shall be as set forth in this Division.

**State law reference** — Appointment of advisory boards, committees and commission, Va. Code § 15.2-1411.

Sec. 2-252. - Composition.

- (a) *Qualifications.* The Transportation Advisory Committee shall consist of seven (7) members, one (1) of whom shall be the City Manager, and six (6) of whom shall be appointed by the Council to staggered terms of four (4) years each, as follows:
- (1) *City residents.* A minimum of four (4) at-large members shall be residents of the City;
  - (2) *Non-City resident.* One (1) at-large member may be a resident of Pittsylvania County; and
  - (3) *City Council.* One (1) member shall be a member of the Council.
- (b) *Transportation Director.* The Transportation Services Director shall be a non-voting member of the Committee.

Sec. 2-253. – Powers and duties.

The Transportation Advisory Committee shall advise the Council on the following matters:

- (1) *Operations.* Recommendations for rules and policies relating to mass transit operations and services, including but not limited to capital projects and changes to routes and schedules;
- (2) *Fares and charges.* Fares and charges for mass transit services, including but not limited to, passenger fares, equipment rentals, and advertising;
- (3) *Budget.* Prior to the adoption of the annual budget, the Committee shall coordinate with the Transportation Services Director to timely prepare and submit to the Council a budget forecast of all mass transit operations for the upcoming fiscal year. Such forecast shall include anticipated revenues, costs and expenses, capital improvements, debt servicing, and requests for any fare changes;
- (4) *Development.* Priorities and goals for mass transit development, capital improvements, service expansions, promotion, education, and potential funding sources therefor;
- (5) *Administration.* The fair and consistent administration of mass transit policies.

Secs. 2-254—2-270. - Reserved.

ARTICLE XI. – ASSET BOARDS

DIVISION 1. – EMPLOYEES’ RETIREMENT BOARD

Sec. 2-271. – Creation; Scope.

- (a) *Creation.* Pursuant to the authority granted in Va. Code § 51.1-800, the general administration and management and the responsibility for the proper operation of the System and for making effective the provisions Chapter 32 of this Code, are hereby vested in a board of trustees to be known as the Board of Trustees of the Employees' Retirement System or the Retirement Board, the duties of which shall be as set forth in this Division.
- (b) *Definition.* When used in this division, the term *System* means the Employees' Retirement System of the City of Danville, Virginia, established by Sec. 32-1 of this Code, and the term *Other Postemployment Benefits Trust Fund* or *OPEB Trust Fund* means any trust fund established or maintained by the City to fund future liabilities related to other postemployment benefits as defined in Va. Code. §15.2-1545.

**State law reference** — Counties, cities, and certain towns to establish local systems, Va. Code § 15.2-1411.

**Cross reference** — Established, Danville City Code Sec. 32-1.

Sec. 2-272. - Composition.

- (a) *Qualifications.* The Retirement Board shall consist of nine (9) trustees, one (1) of whom shall be the City Manager, one (1) of whom shall be the chief financial officer of the City, one (1) of whom shall be the Mayor or a member of the Council appointed thereby, and six (6) of whom shall be selected or appointed to a term of two (2) years each, as follows:
  - (1) *System members.* Three (3) trustees shall be City employees with at least five (5) years of creditable service in the System, who have been selected by the City employees who are members of the system by a method determined by the Board, provided that such trustees shall automatically vacate their seats upon separation from City employment.
  - (2) *Non-System Members.* Three (3) trustees shall be City residents who are not members of the System, who have been appointed by the Council.
- (b) *Executive secretary.* The Board shall select an executive secretary for a term of two (2) years, to perform such administrative tasks and duties as requested by the Board. The executive secretary shall be a non-voting trustee of the Board.

Sec. 2-273. – Powers and duties.

The Board shall, consistent with law, have all powers and duties authorized thereto by Chapter 32 of this Code, including but not limited to, the following powers and duties:

- (1) *Management of assets.* To manage the assets of the System and the OPEB Trust Fund, invest and reinvest the funds and assets of the System, hold, purchase, acquire, retain, sell, assign, transfer, exchange, and dispose of any security or investment, direct the custody thereof, and to otherwise control such security or investment, any income or proceeds therefrom, and any other money belonging to the System;
- (2) *Administration of System.* To carry out the administrative functions of the System and the OPEB Trust Fund by determining and adopting of rates, tables, amounts, methods and assumptions, rules, and other policies delegated to the Board by this Code;
- (3) *Stewardship of System.* To ensure the accuracy and sustainability of the System by conducting or requiring investigations and evaluations, correcting errors, and deciding upon matters of revocation, suspension, and offsetting benefits provided by the System;
- (4) *Dispute resolution.* To resolve disputes on matters delegated to the Board by this Code;
- (5) *Approvals.* To approve applications and other requests on matters delegated to the Board by this Code; and
- (6) *Agents.* To appoint, hire, or delegate its powers to such employees, consultants, and other agents as it deems necessary, including but not limited to executive secretaries, investment advisors, actuaries, custodians, and members of medical and disability review boards.

**State law reference** — Counties, cities, and certain towns to establish local systems, Va. Code § 15.2-1411.

**Cross reference** — Actuary; adoption of tables, rates, Danville City Code Sec. 32-26; Custodian of assets, Danville City Code Sec. 32-38; Management and investment of funds and assets generally, Danville City Code Sec. 32-40; Delegation of Board's investment powers and responsibilities, Danville City Code Sec. 32-40.1; Reexamination of, and reduction of benefits, Danville City Code Sec. 32-57; Administrative determination, Danville City Code Sec. 32-57.1.

Secs. 2-274—2-280. - Reserved.

## DIVISION 2. – DANVILLE DEVELOPMENT AUTHORITY

Sec. 2-281. - Creation.

Pursuant to Chapter 643 of the 1964 Virginia Acts of the Assembly, there is hereby created and organized a political subdivision of the Commonwealth to be known as the Danville Development Authority.

**State law reference** — Creation of industrial development authorities, Va. Code § 15.2-4903.

Sec. 2-282. - Composition.

The Danville Development Authority shall consist of a board of seven (7) directors, to be appointed at-large by the Council to staggered terms of four (4) years each.

**State law reference** — Directors; qualifications, Va. Code § 15.2-4904.

Sec. 2-283. - Powers and rights.

The Danville Development Authority shall have all powers and rights allowed by Va. Code §15.2-4905 or other State law, subject to any limitations required thereby, including but not limited to the power to:

- (1) *Legal rights.* Sue and be sued and to exercise its full legal rights in any court of competent jurisdiction;
- (2) *Seal.* Adopt, alter, and use a corporate seal;
- (3) *Contract rights.* Enter into contracts;
- (4) *Property rights.* Acquire, own, use, and dispose of property, both real and personal, including but not limited to the right to purchase and sell, give and receive, lease and rent, pledge and mortgage, and improve;
- (5) *Financial rights.* To borrow or lend money, make or accept grants, and issue bonds;
- (6) *Employer rights.* To hire and pay employees, contractors, consultants, and other agents;
- (7) *Other powers.* Exercise any other power given to industrial development authorities by State law and any other power expressly given to it by the Council.

**State law reference** — Powers of authority, Va. Code § 15.2-4905.

Secs. 2-284—2-290. - Reserved.

DIVISION 3. – INDUSTRIAL DEVELOPMENT AUTHORITY

Sec. 2-291. - Creation.

Pursuant to Ordinance number 66-11.4, adopted November 17, 1966, there is hereby created and organized a Political Subdivision of the Commonwealth to be known as the Industrial Development Authority of Danville, Virginia.

**State law reference** — Creation of industrial development authorities, Va. Code § 15.2-4903

Sec. 2-292. - Composition.

The Industrial Development Authority shall consist of a board of seven (7) directors, appointed at-large by the Council to staggered terms of four (4) years each.

**State law reference** — Directors; qualifications, Va. Code § 15.2-4904.

Sec. 2-293. - Powers and rights.

The Industrial Development Authority shall have all powers and rights allowed by Va. Code §15.2-4905 or other State law, subject to any limitations required thereby, including but not limited to the power to:

- (1) *Legal rights.* Sue and be sued and to exercise its full legal rights in any court of competent jurisdiction;
- (2) *Seal.* Adopt, alter, and use a corporate seal;
- (3) *Contract rights.* Enter into contracts;
- (4) *Property rights.* Acquire, own, use, and dispose of property, both real and personal, including but not limited to the right to purchase and sell, give and receive, lease and rent, pledge and mortgage, and improve;
- (5) *Financial rights.* To borrow or lend money, make or accept grants, and issue bonds;
- (6) *Employer rights.* To hire and pay employees, contractors, consultants, and other agents;
- (7) *Other powers.* Exercise any other power given to industrial development authorities by State law and any other power expressly given to it by the Council.

**State law reference** — Powers of authority, Va. Code § 15.2-4905.

Secs. 2-294—2-300. - Reserved.

#### DIVISION 4. – REGIONAL INDUSTRIAL FACILITY AUTHORITY

Sec. 2-301. - Creation.

Pursuant to the authority granted by Va. Code §15.2-6402, and in conjunction with ordinances adopted by the Governing Bodies of all member localities, there is hereby created and organized a Regional Industrial Facility Authority to be known as the Danville-Pittsylvania Regional Industrial Facility Authority.

**State law reference** — Procedure for creation of authorities, Va. Code § 15.2-6402.

Sec. 2-302. - Definitions.

As used in this division, 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:

*Act* means the Regional Industrial Facilities Act (Va. Code §§15.2-6400 *et seq.*);

*Agreement* means the Agreement for Cost Sharing and Revenue Sharing between the City of Danville, Virginia and Pittsylvania County, Virginia;

*Authority* means the regional industrial facility authority created hereby by cooperative action of the City of Danville, Virginia and Pittsylvania County, Virginia, and named herein, the Danville-Pittsylvania Regional Industrial Facility Authority;

*Board of Directors* means the Board of Directors of the Danville-Pittsylvania Regional Industrial Facility Authority;

*Governing Body* means the Council of the City of Danville and the Board of Supervisors of Pittsylvania County, as members of the Authority; and

*Member localities* mean all members of the Danville-Pittsylvania Regional Industrial Facility Authority, which initially include the City of Danville and Pittsylvania County.

**State law reference** — Definitions, Va. Code § 15.2-6400.

Sec. 2-303. – Powers and duties; dissolution; fiscal year.

- (a) *Joint adoption.* There is hereby created, pursuant to the Act and in conjunction with the adoption of a similar ordinance by the Board of Supervisors of Pittsylvania County, a political subdivision of the Commonwealth named the Danville-Pittsylvania Regional Industrial Facility Authority.
- (b) *Powers and duties.* The Authority is vested with the powers of a body corporate, including the power to sue and be sued in its own name, plead and be impleaded, and adopt and use a common seal and alter the same as may be deemed expedient. The Authority shall have all rights, duties, and powers provided by provision of the Act, and including such powers, rights, and duties as may hereafter be set forth from time to time in the Act.
- (c) *Dissolution.* The Authority may be dissolved by resolution of the Board of Directors in compliance with provisions for dissolution stated in the Act.
- (d) *Fiscal year.* The fiscal year for the Authority shall be the same as that of the Commonwealth.

**State law references** — Procedure for creation of authorities, Va. Code § 15.2-6402; Powers of the Authority, Va. Code § 15.2-6405; Forms of account and records, Va. Code § 15.2-6413; Dissolution of authority, Va. Code § 15.2-6415.

Sec. 2-304. - Purpose.

The Authority is charged with the purpose of developing parcels in both the City and Pittsylvania County as regional industrial parks, future development of other industrial properties, and other purposes as permitted by the Act and as agreed upon by the member localities.

**State law reference** — Findings; purpose, Va. Code § 15.2-6401.

Sec. 2-305. - Membership.

The member localities of the Authority are the City of Danville and Pittsylvania County, each of which is a political subdivision of the Commonwealth of Virginia, and each of which is authorized by the Act to participate in the Authority. The membership may, with the approval of the Board of Directors, be expanded in compliance with the provisions for expansion as stated in the Act.

**State law reference** — Procedure for creation of authorities, Va. Code § 15.2-6402.

Sec. 2-306. - Locality agreement.

The Authority shall be governed by the Act, this division, and by the Agreement executed by the Governing Body of each member locality. The Agreement shall establish the respective rights and obligations of the member localities and shall provide for revenue and economic growth-sharing arrangements with respect to tax revenues and other income and revenues generated by any facility owned by the Authority.

**State law references** — Procedure for creation of authorities, Va. Code § 15.2-6402; Revenue sharing agreements, Va. Code § 15.2-6407.

Sec. 2-307. - Board of Directors.

- (a) *Composition.* The powers, rights, and duties conferred by the Act upon the Authority shall be exercised by a Board of Directors, which shall consist of two (2) members appointed by the Governing Body of each member locality plus one (1) alternate appointed by the Governing Body of each member locality. The number of directors of the Authority may be supplemented by decision of and appointment by the Governing Bodies, as permitted by the Act.
- (b) *Term.* Each member locality shall appoint to the Board of Directors two (2) members from its Governing Body to serve a four (4) year term pursuant to the Act. Each member locality shall also appoint one (1) member from its Governing Body to serve a four (4) year term as an alternate Director. There shall be no limitation on the number of terms for directors of the Regional Industrial Facility Authority.
- (c) *Succession.* In order to remain a director or alternate director of the Authority, such member must also be a current member of the Governing Body. Once a director or alternate director of the Authority is no longer a member of the Governing Body, the locality shall appoint a new member from its Governing Body to fill the unexpired term of the vacating director. The alternate shall serve until a new Director can be appointed.
- (d) *Oath.* Each member and alternate member of the Board of Directors, before entering upon the discharge of the duties of the office, shall take and subscribe to the oath required in Va. Code § 49-1, and shall serve in compliance with the Act, this division, and the Agreement.
- (e) *Bylaws.* The Board of Directors shall adopt bylaws, rules, and policies to carry out the provisions of the Act. The bylaws, rules, and policies shall, among other things, specify the principal office of the Authority, identify the schedule and place for meetings of the Board, and provide for the general administration of the operations of the Authority.

- (f) *Alternate.* The alternate Director may act in place of a Director for his locality if such Director is not present at any meeting of the Authority. If the other two (2) Directors for a locality are present, the alternate does not have the right to vote.
- (g) *Voting.* It shall require a simple majority of the Board of Directors to act unless a greater number is specified in its bylaws, and a simple majority shall constitute a quorum.
- (h) *Expenses.* Members of the Board of Directors shall be reimbursed for actual expenses incurred in the performance of their duties from funds available to the Authority.

**State law references** — Board of the authority, Va. Code § 15.2-6403; Powers of the Authority, Va. Code § 15.2-6405.

Sec. 2-308. - Principal office location, records, and title to property.

The principal office of the Authority shall be located within a member locality. All records shall be kept at such office. The title to all property of every kind belonging to the Authority shall be titled in the name of the Authority, which shall hold such title for the benefit of its member localities.

**State law reference** — Office of authority; title to property, Va. Code § 15.2-6404.

Sec. 2-309. - Funding.

Funding of the Authority shall be by appropriation as decided from time-to-time by the Governing Bodies of the member localities and from such other sources as are identified in the Agreement.

**State law reference** — Board of the authority, Va. Code § 15.2-6403.

Sec. 2-310. - Required reports.

- (a) *Annual reports.* The Board shall report to the Governing Body of each member locality annually, on or before the last March meeting of the Governing Body, on the activities of the Authority. In addition to oral presentation at the meeting, a written annual report shall be provided prior to the meeting and shall contain, at a minimum, the following information:
  - (1) *Financial updates.* A financial update through December 31 of the current fiscal year;

- (2) *Audited financial report.* After completion of the first fiscal year, an audited financial report showing expenditures and revenues and a statement showing financial condition at the end of the preceding fiscal year;
  - (3) *Programs and recommendations.* A written report, approved by the Board, of the activities and accomplishments of the Authority and recommendations regarding future activities of the Authority; and
  - (4) *Industrial Park occupants.* A list of tenants, purchasers, or other persons occupying the Cyber Park of Danville and Pittsylvania County, the Pittsylvania-Danville Regional Industrial Park, or any other regional industrial facilities developed by the Authority.
- (b) *Special reports.* Upon written request of the Governing Body of any member locality, the Board shall report to such Governing Body within thirty (30) days of receipt of the request, or within a longer period if so requested. The special report shall describe the activities and financial status of the Authority within the six (6) month period immediately preceding the request, or as otherwise specified in the written request and shall be furnished to each member locality. A written report shall be provided if requested.

**State law reference** — Board of the authority, Va. Code § 15.2-6403.

Secs. 2-311—2-320. - Reserved.

#### DIVISION 5. – STAUNTON RIVER REGIONAL INDUSTRIAL FACILITY AUTHORITY

Sec. 2-321. - Creation.

Pursuant to the authority granted by Va. Code §15.2-6402, and in conjunction with ordinances adopted by the Governing Bodies of all member localities, there is hereby created and organized a Regional Industrial Facility Authority to be known as the Staunton River Regional Industrial Facility Authority.

**State law reference** — Procedure for creation of authorities, Va. Code § 15.2-6402.

Sec. 2-322. - Definitions.

As used in this division, 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:

*Act* means the Regional Industrial Facilities Act (Va. Code §§15.2-6400 *et seq.*);

*Agreement* means the Staunton River Cost and Revenue Sharing Agreement between the City of Danville, Virginia, the Town of Hurt, Virginia, and Pittsylvania County, Virginia;

*Authority* means the regional industrial facility authority created hereby by cooperative action of the City of Danville, Virginia, the Town of Hurt, Virginia, and Pittsylvania County, Virginia, and named herein, the Staunton River Regional Industrial Facility Authority;

*Board of Directors* means the Board of Directors of the Staunton River Regional Industrial Facility Authority;

*Governing Body* means the Council of the City of Danville, the Town Council of Hurt, and the Board of Supervisors of Pittsylvania County, as members of the Authority; and

*Member localities* mean all members of the Staunton River Regional Industrial Facility Authority, which include the City of Danville, the Town of Hurt, and Pittsylvania County.

**State law reference** — Definitions, Va. Code § 15.2-6400.

Sec. 2-323. – Powers and duties; dissolution; fiscal year.

- (a) *Joint adoption.* There is hereby created, pursuant to the Act and in conjunction with the adoption of a similar ordinance by the other member localities, a political subdivision of the Commonwealth named the Staunton River Regional Industrial Facility Authority.
- (b) *Powers and duties.* The Authority is vested with the powers of a body corporate, including the power to sue and be sued in its own name, plead and be impleaded, and adopt and use a common seal and alter the same as may be deemed expedient. The Authority shall have all rights, duties, and powers provided by provision of the Act, and including such powers, rights, and duties as may hereafter be set forth from time to time in the Act.
- (c) *Dissolution.* The Authority may be dissolved by resolution of the Board of Directors in compliance with provisions for dissolution stated in the Act.
- (d) *Fiscal year.* The fiscal year for the Authority shall be the same as that of the Commonwealth.

**State law references** — Procedure for creation of authorities, Va. Code § 15.2-6402; Powers of the Authority, Va. Code § 15.2-6405; Forms of account and records, Va. Code § 15.2-6413; Dissolution of authority, Va. Code § 15.2-6415.

Sec. 2-324. - Purpose.

The Authority is charged with the specific purpose of developing a regional industrial park containing approximately 603.98 acres, located in Hurt, Virginia, commonly known as the Southern Virginia Multi-Modal Park and any one (1) or more other parcels of land located in any of the Member Localities regions as regional industrial parks and for the additional purpose of future development of other industrial properties or other reasons as permitted by the Act and as agreed upon by the Member Localities.

**State law reference** — Findings; purpose, Va. Code § 15.2-6401.

Sec. 2-325. - Membership.

The member localities of the Authority are the City of Danville and the other member localities, each of which is a political subdivision of the Commonwealth of Virginia, and each of which is authorized by the Act to participate in the Authority. The membership may, with the approval of the Board of Directors, be expanded in compliance with the provisions for expansion as stated in the Act.

**State law reference** — Procedure for creation of authorities, Va. Code § 15.2-6402.

Sec. 2-326. - Locality agreement.

The Authority shall be governed by the Act, this division, and by the Agreement executed by the Governing Body of each member locality. The Agreement shall establish the respective rights and obligations of the member localities and shall provide for revenue and economic growth-sharing arrangements with respect to tax revenues and other income and revenues generated by any facility owned by the Authority.

**State law references** — Procedure for creation of authorities, Va. Code § 15.2-6402; Revenue sharing agreements, Va. Code § 15.2-6407.

Sec. 2-327. - Board of Directors.

- (a) *Composition.* The powers, rights, and duties conferred by the Act upon the Authority shall be exercised by a Board of Directors, which shall consist of two (2) members appointed by the Governing Body of each member locality plus one (1) alternate appointed by the Governing Body

of each member locality. The number of directors of the Authority may be supplemented by decision of and appointment by the Governing Bodies, as permitted by the Act.

- (b) *Term.* Each member locality shall appoint to the Board of Directors two (2) members from its Governing Body to serve a four (4) year term pursuant to the Act. Each member locality shall also appoint one (1) member from its Governing Body to serve a four (4) year term as an alternate Director. There shall be no limitation on the number of terms for directors of the Regional Industrial Facility Authority.
- (c) *Succession.* In order to remain a director or alternate director of the Authority, such member must also be a current member of the Governing Body. Once a director or alternate director of the Authority is no longer a member of the Governing Body, the locality shall appoint a new member from its Governing Body to fill the unexpired term of the vacating director. The alternate shall serve until a new Director can be appointed.
- (d) *Oath.* Each member and alternate member of the Board of Directors, before entering upon the discharge of the duties of the office, shall take and subscribe to the oath required in Va. Code § 49-1, and shall serve in compliance with the Act, this division, and the Agreement.
- (e) *Bylaws.* The Board of Directors shall adopt bylaws, rules, and policies to carry out the provisions of the Act. The bylaws, rules, and policies shall, among other things, specify the principal office of the Authority, identify the schedule and place for meetings of the Board, and provide for the general administration of the operations of the Authority.
- (f) *Alternate.* The alternate Director may act in place of a Director for his locality if such Director is not present at any meeting of the Authority. If the other two (2) Directors for a locality are present, the alternate does not have the right to vote.
- (g) *Voting.* It shall require a simple majority of the Board of Directors to act unless a greater number is specified in its bylaws, and a simple majority shall constitute a quorum.
- (h) *Expenses.* Members of the Board of Directors shall be reimbursed for actual expenses incurred in the performance of their duties from funds available to the Authority.

**State law references** — Board of the authority, Va. Code § 15.2-6403; Powers of the Authority, Va. Code § 15.2-6405.

Sec. 2-328. - Principal office location, records, and title to property.

The principal office of the Authority shall be located within a member locality. All records shall be kept at such office. The title to all property of every kind belonging to the Authority shall be titled in the name of the Authority, which shall hold such title for the benefit of its member localities.

**State law reference** — Office of authority; title to property, Va. Code § 15.2-6404.

Sec. 2-329. - Funding.

Funding of the Authority shall be by appropriation as decided from time-to-time by the Governing Bodies of the member localities and from such other sources as are identified in the Agreement.

**State law reference** — Board of the authority, Va. Code § 15.2-6403.

Sec. 2-330. - Required reports.

- (a) *Annual reports.* The Board shall report to the Governing Body of each member locality annually, on or before the last March meeting of the Governing Body, on the activities of the Authority. In addition to oral presentation at the meeting, a written annual report shall be provided prior to the meeting and shall contain, at a minimum, the following information:
- (1) *Financial updates.* A financial update through December 31 of the current fiscal year;
  - (2) *Audited financial report.* After completion of the first fiscal year, an audited financial report showing expenditures and revenues and a statement showing financial condition at the end of the preceding fiscal year;
  - (3) *Programs and recommendations.* A written report, approved by the Board, of the activities and accomplishments of the Authority and recommendations regarding future activities of the Authority; and
  - (4) *Industrial Park occupants.* A list of tenants, purchasers, or other persons occupying the Cyber Park of Danville and Pittsylvania County, the Pittsylvania-Danville Regional Industrial Park, or any other regional industrial facilities developed by the Authority.
- (b) *Special reports.* Upon written request of the Governing Body of any member locality, the Board shall report to such Governing Body within thirty (30) days of receipt of the request, or within a longer period if so requested. The special report shall describe the activities and financial status of the Authority within the six (6) month period immediately preceding the request, or as otherwise specified in the written request and shall be furnished to each member locality. A written report shall be provided if requested.

**State law reference** — Board of the authority, Va. Code § 15.2-6403.

Secs. 2-331—2-360. - Reserved.

#### DIVISION 6. – VETERANS’ MEMORIAL COMMITTEE

Sec. 2-361. – Creation; Scope.

- (a) *Creation.* Pursuant to the authority granted in Va. Code §15.2-1411, there is hereby created the Veterans’ Memorial Committee, the duties of which shall be as set forth in this Division.
- (b) *Definitions.* When used in this division, the term *Veterans’ Memorial* means the Veteran's Memorial of Danville/Pittsylvania County, located at 302 River Park Drive, within Dan Daniel Memorial Park.

**State law references** — Appointment of advisory boards, committees and commission, Va. Code § 15.2-1411; Memorials for war veterans, Va. Code § 15.2-1812.

Sec. 2-362. - Composition.

The Veterans’ Memorial Committee shall consist of seven (7) members, one (1) of whom shall be the Public Works Director, one (1) of whom shall be the Parks and Recreation Director, and five (5) of whom shall be appointed by the City Manager to indefinite terms, as follows:

- (1) *Veterans Associations.* At least two (2) members shall represent local veterans’ associations;
- (2) *City Veteran.* At least one (1) member shall be a veteran who resides within the City; and
- (3) *County Veteran.* At least one (1) member shall be a veteran who resides within Pittsylvania County.

Sec. 2-363. – Powers and duties.

The Committee shall advise the City on any matter affecting the Veterans’ Memorial, including but not limited to its protection, maintenance, expansion, promotion, funding, and any City rules and policies involving the Veterans’ Memorial.

Secs. 2-364—2-400. - Reserved.

## ARTICLE XII. – APPEALS BOARDS

### DIVISION 1. – BOARD OF BUILDING CODE APPEALS

#### Sec. 2-401. – Creation

Pursuant to the authority granted in Va. Code §36-105, there is hereby created a local board of building code appeals, the duties of which shall be as set forth in this Division.

**State law reference** — Enforcement of Code; appeals from decisions of local department, Va. Code § 36-105.

#### Sec. 2-402. - Composition.

The Board of Building Code Appeals shall consist of seven (7) members appointed by the Council for staggered terms of three (3) years each. Each Board member shall receive such compensation for attending meetings as is authorized by the Council, and shall only be subject to removal for cause. Each member need not be a resident of the City, however a majority of the members shall be City residents.

#### Sec. 2-403. – Powers and duties.

(a) *Powers.* The Board shall have the following powers and duties:

- (1) *Building Code.* To hear and decide appeals, as provided by Va. Code §36-105 and the current edition of the Virginia Uniform Statewide Building Code;
- (2) *Demolition and repair orders.* To hear and decide on appeal from the decision of the Maintenance Code Official whether or not buildings or structures must be demolished or repaired under the provisions of this Code;
- (3) *Derelect structures.* To hear and decide on appeal from the decision of the Maintenance Code Official whether or not buildings or structures are derelict or must be removed or corrected under the provisions of Section 9-3 of this Code; and
- (4) *Fire Code.* To hear and decide appeals as provided by Va. Code §27-98, the current edition of the Virginia Statewide Fire Prevention Code, and Chapter 14 of this Code.

(b) *Appeals.* Each appeal, to be considered by the Local Board of Building Code Appeals, shall be in writing and shall be accompanied by any fee required by the Council.

**State law references** — Enforcement of Fire Prevention Code; appeals from decisions of local enforcing agencies, Va. Code § 27-98; Enforcement of Code; appeals from decisions of local department, Va. Code § 36-105.

Secs. 2-404—2-410. - Reserved.

## DIVISION 2. – BOARD OF EQUALIZATION

### Sec. 2-411. – Creation

Pursuant to the authority granted in Va. Code § 58.1-3370, there is hereby created a local board of equalization of real estate assessments to be known as the Board of Equalization, the duties of which shall be as set forth in this Division.

**State law reference** — Appointment, Va. Code § 58.1-3370.

### Sec. 2-412. - Composition.

- (a) *Qualifications.* The Board of Equalization shall consist of three (3) members appointed by the Danville Circuit Court for terms of one (1) year each, with such term beginning on the effective date of the assessment for which it was appointed, as follows:
- (1) *Property owners.* At least two (2) members shall own real property within the City;
  - (2) *Real estate professionals.* At least one (1) member shall be a real estate appraiser, other real estate professional, builder, developer, or legal or financial professional; and
  - (3) *Training.* No person shall be eligible to serve on the Board unless such person has completed all education and training required of such members by law.
- (b) *Compensation.* Each Board member shall receive such compensation for attending meetings as is authorized by the Council.

**State law references** — Appointment, Va. Code § 58.1-3370; Qualifications of members, Va. Code § 58.1-3374; Compensation of members, Va. Code § 58.1-3375.

Sec. 2-413. – Powers and duties.

The Board shall have the following powers and duties:

- (1) *Assessments.* To hear, investigate, and decide appeals of real estate assessments, and to increase, decrease, or otherwise adjust and equalize such assessments, in accordance with State law;
- (2) *Correcting errors.* To direct City officials to enter upon the land books of the City any real estate which is found to have been omitted, and to cancel any duplicate assessments; and
- (3) *Evidence.* To summon persons to furnish information relating to the real estate of any taxpayer, testify about such information, and provide the Board with books, papers, and other records containing information with respect to the valuation of real estate under review by the Board.

**State law references** — Hearing complaints and equalizing assessments, Va. Code § 58.1-3379; Omitted real estate and duplicate assessments, Va. Code § 58.1-3383; Power of board to send for persons and papers, Va. Code § 58.1-3386.

Secs. 2-414—2-420. - Reserved.

DIVISION 3. – BOARD OF ZONING APPEALS

Sec. 2-421. – Creation.

Pursuant to the authority granted in Va. Code § 15.2-2308, there is hereby created a local board of zoning appeals to be known as the Board of Zoning Appeal, the duties of which shall be as set forth in this Division.

**State law reference** — Boards of zoning appeals to be created, Va. Code § 15.2--2308.

Sec. 2-422. – Composition.

- (a) *Qualifications.* The Board of Zoning shall consist of seven (7) members appointed by the Danville Circuit Court for terms of five (5) years each, in the following manner:
  - (1) *Public Officers.* No members shall hold public office within the City other than as a planning commissioner; and

- (2) *Planning Commission.* No more than one (1) member may also be a member of the Planning Commission.
- (b) *Compensation.* Each Board member shall receive such compensation for attending meetings as is authorized by the Council.

**State law reference** — Boards of zoning appeals to be created, Va. Code § 15.2--2308.

Sec. 2-423. - Powers and duties.

The Board shall have the following powers and duties, consistent with law:

- (1) *Variances.* To authorize variances upon appeal or original application in accordance with Chapter 41 of this Code;
- (2) *Special Exceptions.* To decide applications for Special Exceptions and Special Exception Permits for certain uses, yards, and heights as may be specifically authorized in this Code, and the imposition of such conditions relating to the use, yard, or height for which a permit is granted as it may deem necessary in the public interest, including but not limited to, limiting the duration of a permit and requiring a performance guarantee or bond;
- (3) *Zoning decisions.* To decide appeals from any order, requirement, decision, or determination made by the Zoning Administrator or any administrative officer of the City in the administration or enforcement of Chapter 41 of this Code;
- (4) *Map interpretations.* To decide appeals to the interpretation of the Official Map by the Zoning Administrator, Planning Commission, or Council, when there is an unresolved disagreement as to the location of a district boundary;
- (5) *Revocations.* To revoke Special Exceptions upon a determination that there has not been compliance with the terms or conditions of a Special Exception Permit.

**State law reference** — Powers and duties of boards of zoning appeals, Va. Code § 15.2-2309.

Secs. 2-424—2-450. - Reserved.

ARTICLE XIII. – AD HOC BOARDS

## DIVISION 1. – MEMORIAL COMMITTEE

### Sec. 2-451. – Creation.

It is the general policy of the City that City streets and facilities should generally be named according to geographical, historical, ecological, or functional relationships to the street or facility to be named, and that existing streets and facilities that are already named in honor or memoriam of any person should be preserved as they are. However, in unusual circumstances and based on extraordinary and significant contributions to the City, the Commonwealth, or the United States of America, City facilities and streets may be named or renamed to honor certain qualified individuals. In order to fairly administer new requests to name or rename a City street or facility in honor or memoriam of any person, and pursuant to the authority granted by Va. Code §15.2-2019, an advisory committee is hereby created to be known as the Memorial Committee.

**State law reference** — Localities may name streets, roads and alleys, Va. Code § 15.2-2019.

### Sec. 2-452. - Composition; appointment.

- (a) *Qualifications.* The Memorial Committee shall consist of seven (7) members, one (1) of whom shall be the City Manager, and six (6) of whom shall be appointed by the Mayor to a one (1) year term each, as follows:
  - (1) *Council.* At least two (2) members shall be members of the Council;
  - (2) *Planning Commission.* At least two (2) members shall be members of the Planning Commission; and
  - (3) *City residents.* At least two (2) members shall be residents of the City selected at-large.
- (b) *Non-voting member.* The Public Works Director shall be a non-voting member of the Committee.
- (c) *Officers.* Notwithstanding anything in this chapter to the contrary, the Mayor shall also select the Chairman and Vice-Chairman of the Committee.
- (d) *Timing of appointment.* The Mayor shall appoint members to the Committee within thirty (30) business days of the receipt of a qualified application by the City Clerk, unless the Committee is currently sitting because of a prior application.

### Sec. 2-453. - Powers and duties.

The Committee shall have the following powers and duties:

- (1) *Naming of City streets and facilities.* To advise the Council on applications for the naming or renaming of City streets and facilities in honor or memoriam of qualified honorees;
- (2) *Determinations of eligibility.* To determine if a proposed honoree is a qualified honoree, and whether an application requesting the naming or renaming of a City street or facility is a qualified application, in accordance with this division;
- (3) *Determination of appropriateness.* To review and determine if the street or facility identified in the application is a logical and appropriate place to be named after the proposed honoree. The Board shall recommend alternative public streets or facilities to be named for a qualified honoree when the public street or facility identified in the application is already named in honor and memoriam of any other person, except when such public street or facility has a more direct relationship to the qualified honoree being considered; and
- (4) *Determination of costs.* To review the anticipated costs of any name change, including the costs of any related monument or sign, the number of addresses upon such street that will be affected by a change in the name, and the estimated costs and impact of such change to residents of the street, emergency management services, postal and delivery services, and other affected persons.

Sec. 2-454. - Applications.

- (a) *Qualified honoree.* In order for an individual to qualify as an honoree to have a City street or facility named in honor thereof, such individual must satisfy one (1) of the following criteria:
  - (1) *Merit.* The proposed honoree must have been deceased for at least three (3) years prior to the date of the application being filed and the proposed honoree must have contributed in a significant and positive manner to the City, the Commonwealth, or the United States of America; or
  - (2) *Donation.* A proposed honoree, or someone on behalf thereof, must make a significant financial donation or contribution towards the construction, renovation, or development of the City street or facility to be named.
- (b) *Qualified application.* In order for an application to be fully qualified for consideration by the Committee, such application must:
  - (1) *City resident.* Be filed and signed by a City resident;
  - (2) *Qualified honoree.* Name a qualified honoree;
  - (3) *Location.* Identify the City street or facility to be named for the proposed honoree;
  - (4) *Honoree background.* Include a narrative stating the reasons the qualified honoree should have a public street or facility named in honor thereof;

- (5) *Location background.* Include a narrative stating the reasons the identified street or facility was selected;
  - (6) *Citizen petition.* Be accompanied by a petition, containing the name, current address, and signature of at least one hundred (100) registered voters in the City; and
  - (7) *Multiple applications.* Not be for a proposed honoree who has been the subject of a separate application filed within the last year.
- (c) *Report.* The Committee shall report its determinations and recommendations for an application to the Council within ninety (90) business days of the initial receipt of the application by the City Clerk.
  - (d) *Decisions.* The Council shall consider the application within ninety (90) business days of the delivery of the report from the Committee. Nothing in this division shall prohibit the Council from remanding an application back to the Committee for further consideration. Nothing in this division shall require the Council to name or renaming any City street or facility for any honoree.

**State law reference** — Localities may name streets, roads and alleys, Va. Code § 15.2-2019.

Sec. 2-455. – Costs and design of new monuments and signs.

- (a) *Costs.* Any additional costs not normally borne by the City associated with the placement, design, and construction of any monument or sign to honor an individual under this division, shall be paid for by the applicant or by some other person or organization that agrees, in writing, to assume responsibility for such costs.
- (b) *Design.* The style and design of any monument or sign to be installed or placed upon City property pursuant to this division shall be reviewed by the Public Arts Commission, as well as any other board or committee with jurisdiction thereover, as applicable, and shall be approved by the Council prior to installation.

Secs. 2-456—2-460. - Reserved.

## DIVISION 2. – LOCAL LEGENDS BANNER COMMITTEE

Sec. 2-461. – Creation.

It is the policy of the City that certain local legends should be recognized and honored for their important achievements and that banner displays along City streets are an attractive way to do so.

Accordingly, the City hereby creates the Local Legends Banner Display Program. Pursuant to the authority granted in Va. Code §15.2-1411, there is hereby created an advisory board to be known as Local Legends Banner Committee, the duties of which shall be as set forth in this Division.

**Cross reference** — Banners and decorative materials encroaching across streets, Danville City Code Sec. 35-61.

Sec. 2-462. - Composition; appointment.

- (a) *Qualifications.* The Local Legends Banner Committee shall consist of five (5) members, one (1) of whom shall be the City Manager, two (2) of whom shall be department directors designated by the City Manager, and two (2) of whom shall be appointed by the Mayor to a one (1) year term each, as follows:
  - (1) *Council.* One (1) member shall be a member of the Council; and
  - (3) *City resident.* One (1) members shall be a resident of the City selected at-large.
- (b) *Officers.* Notwithstanding anything in this chapter to the contrary, the Mayor shall also select the Chairman and Vice-Chairman of the Committee.
- (c) *Timing of appointment.* The Mayor shall appoint members to the Committee within thirty (30) business days of the receipt of a qualified application by the City Clerk, unless the Committee is currently sitting because of a prior application.

Sec. 2-463. - Powers and duties.

The Committee shall have the following powers and duties:

- (1) *Local legends banner displays.* To advise the Council on applications for the installation of banner displays in accordance with this division;
- (2) *Determinations of eligibility.* To determine if a proposed honoree is a qualified local legend, in accordance with this division;
- (3) *Determination of location.* To designate which locations and which City-owned poles are appropriate for use in the program; and
- (4) *Determination of costs.* To review the anticipated costs of any banner display, including the costs of any banners, the costs of any City-required brackets to which any banners will be attached, and the costs of installation.

Sec. 2-464. - Applications.

- (a) *Qualified honoree.* In order for an individual to qualify as a local legend be featured on a banner display, such individual must have been a resident of the City of Danville who has achieved recognition on a State, national, or international basis for a positive and notable achievement.
- (b) *Qualified application.* In order for an application to be fully qualified for consideration by the Committee, such application must:
  - (1) *City resident.* Be filed and signed by a City resident;
  - (2) *Qualified local legend.* Name a qualified local legend;
  - (3) *Location.* Identify the proposed location for the banner display;
  - (4) *Local legend background.* Include a narrative stating the reasons the qualified local legend should be the subject of a banner display; and
  - (5) *Multiple applications.* Not be for a proposed local legend who has been the subject of a separate application filed within the last year.
- (c) *Report.* The Committee shall report its determinations and recommendations for an application to the Council within ninety (90) business days of the initial receipt of the application by the City Clerk.
- (d) *Decisions.* The Council shall consider the application within ninety (90) business days of the delivery of the report from the Committee. Nothing in this division shall prohibit the Council from remanding an application back to the Committee for further consideration. Nothing in this division shall require the Council to approve the placement or design of a banner display for any local legend.

Sec. 2-465. – Costs, design, and duration of banners.

- (a) *Costs.* The costs of any banner, bracket, and installation shall be paid for by the applicant or by some other person or organization that agrees, in writing, to assume responsibility for such costs. A cost estimate shall be provided by the City to the applicant or sponsor prior to the approval of the application. Routine maintenance of the brackets and banner display shall be performed by the City; however, should a banner become frayed, torn, defaced, or excessively faded, the replacement costs shall be the sole responsibility of the applicant or sponsor.
- (b) *Design.* The style and design of any banner to be displayed pursuant to this division shall be reviewed by the Public Arts Commission, as well as any other board of commission with jurisdiction thereover, as applicable, and shall be approved by the Council prior to installation.

- (c) *Duration.* Approved banners may remain on display for a period of five (5) years, after which time a new application shall be required pursuant to this division. A standard five (5) year right-of-way use agreement shall be required prior to any installation.

Secs. 2-466—2-470. - Reserved.

### DIVISION 3. – AMBULANCE COMMITTEE

Sec. 2-471. - Creation.

Pursuant to the authority granted in Va. Code §32.1-111.14, there is hereby created the Ambulance Committee, the duties of which shall be as set forth in this Division.

**State law reference** — Powers of governing bodies of counties, cities, and towns, Va. Code § 32.1-111.14.

Sec. 2-472. – Composition; appointment.

- (a) *Qualifications.* The Ambulance Committee shall consist of five (5) members to be appointed by the Mayor to terms of one (1) year each, as follows:
  - (1) *City Council.* Three (3) members shall be a member of the Council;
  - (2) *Other members.* Two (2) members shall be appointed at-large, with the Mayor encouraged to select representatives or employees of healthcare facilities, nursing homes, or public health agencies; and
  - (3) *Permit holder.* No person who holds or is employed by the holder of a permit subject to the review of the Committee shall be eligible to serve as a member thereof.
- (b) *Fire Chief.* The Fire Chief shall be a non-voting member of the Committee.
- (c) *Officers.* Notwithstanding anything in this chapter to the contrary, the Mayor shall also select the Chairman and Vice-Chairman of the Committee.
- (d) *Timing of appointment.* The Mayor shall appoint members to the Committee within thirty (30) business days of the receipt by the City Clerk of an application for an ambulance operator’s permit or a complaint against the holder of such a permit, unless the Committee is currently sitting because of a prior application or complaint.

Sec. 2-473. – Powers and duties.

The Ambulance Committee shall advise the Council on the following powers and duties:

- (1) *Ambulance operator's permit.* Review applications for ambulance operator's permits and recommend their approval or denial to the Council;
- (2) *Complaints.* Investigate complaints against any person holding ambulance operator's permits and recommend any disciplinary action to the Council, in accordance with Sec. 39-111 of this Code;
- (3) *Ambulance service.* Advise the Council on ambulance service issues, including the adequacy and quality of service, the fairness of rates, and any City policies affecting the provision thereof; and
- (4) *Education.* To conduct educational programs to provide information to the public about the availability of ambulance service in the City.

**Cross references** — Application, Danville City Code Sec. 39-107; Suspension or revocation, Danville City Code Sec. 39-111.

Secs. 2-474—2-480. - Reserved.

<u>Current Code Section</u>	<u>Topic</u>
Sec. 2-1	Employees - Existing laws unaffected
Sec. 2-2	Employees - Bonds
Sec. 2-3	Employees - Debts to City
Sec. 2-4	Employees - Conflicts of Interest
Sec. 2-5	City Clerk - Seal
Sec. 2-6	Finance -Contracts Recordkeeping
Sec. 2-7	Finance - Spending on Contracts
Sec. 2-8	Finance - Charity Recordkeeping
Sec. 2-9	Finance - Annual Fee Schedule
Sec. 2-10	Finance - Bad check fees
Sec. 2-11	Finance - Vehicle insurance
Sec. 2-12	Employees - Residency
Sec. 2-25	Council - Vacancies
Sec. 2-26	Council Meetings- Presiding Officer
Sec. 2-27	Council Meetings - Voting Procedure
Sec. 2-27.1	Council Meetings - Voting Procedure
Sec. 2-28	Council Meetings - Voting Abstentions
Sec. 2-29	Boards - Removal of Appointees
Sec. 2-30	Council Meetings - Wording of Agenda Items
Sec. 2-31	Council Meetings - Agenda
Sec. 2-32	Council Meetings - Advertising
Sec. 2-33	Council Meetings - Work Sessions
Sec. 2-40	Council Committees - Committee on Appointments
Sec. 2-41	Council Committees - Other Committees
Sec. 2-42	Council Committees - Committee Rules
Sec. 2-43	Council Committees - Committee Reports
Sec. 2-44	Boards - Term Limits
Sec. 2-45	Boards - Absenteeism
Sec. 2-50	Council Meetings - Time & Place
Sec. 2-51	Council Meetings - Special Meetings
Sec. 2-52	Council Meetings - Agenda Order
Sec. 2-53	Council Meetings - Consent Agenda
Sec. 2-54	Council Meetings - Agenda
Sec. 2-55	Council Meetings- Presiding Officer
Sec. 2-55.1	Council Meetings - Public Comment
Sec. 2-56	Council Meetings - Debate Procedure
Sec. 2-57	Council Meetings - Debate Procedure
Sec. 2-58	Council Meetings - Voting Procedure
Sec. 2-59	Council Meetings - Debate Procedure
Sec. 2-60	Council Meetings - Adjournment
Sec. 2-61	Council Meetings - Debate Procedure
Sec. 2-62	Council Meetings - Debate Procedure
Sec. 2-63	Council Meetings - Debate Procedure
Sec. 2-64	Council Meetings - Debate Procedure
Sec. 2-65	Council Meetings - Debate Procedure

Sec. 2-66	Council Meetings - Debate Procedure
Sec. 2-67	Council Meetings - Debate Procedure
Sec. 2-68	Council - Disciplining Council Members
Sec. 2-69	Council Meetings - Debate Procedure
Sec. 2-70	Council Meetings - Debate Procedure
Sec. 2-77	City Manager - Hiring/Firing Employees
Sec. 2-78	City Manager - Surplus Property
Sec. 2-79	City Manager - Surplus Property
Sec. 2-80	City Manager - Emergencies
Sec. 2-81	City Manager - Staff
Sec. 2-82	City Manager - Staff
Sec. 2-93	Finance - City Checks
Sec. 2-94	Finance - School Board Checks
Sec. 2-95	Finance - City Treasurer Recordkeeping
Sec. 2-96	Finance - City Treasurer Reports
Sec. 2-97	Finance - City Treasurer Reports
Sec. 2-109	City Attorney - Powers & Duties
Sec. 2-110	City Attorney - School Board
Sec. 2-111	City Attorney - Reports
Sec. 2-112	City Attorney - Settlements
Sec. 2-113	City Attorney - Outside Counsel
Sec. 2-123	Administration - List of Departments
Sec. 2-124	Administration - Department Directors
Sec. 2-125	Administration - Department Directors
Sec. 2-126	Administration - Department Directors
Sec. 2-127	Administration - Division Directors
Sec. 2-128	Administration - Division Directors
Sec. 2-135	Administration - List of Divisions
Sec. 2-136	Administration - Social Services Director
Sec. 2-143	Administration - List of Divisions
Sec. 2-144	Finance - Departmental Recordkeeping
Sec. 2-145	Finance - Departmental Payroll
Sec. 2-146	Finance - Late Payment Fees
Sec. 2-153	Administration - List of Divisions
Sec. 2-160	Administration - List of Divisions
Sec. 2-168	Administration - List of Divisions
Sec. 2-169	Administration - Director of Public Works
Sec. 2-170	Administration - Director of Public Works
Sec. 2-171	Administration - City Engineer
Sec. 2-175	Administration - List of Divisions
Sec. 2-176	Administration - Director of Community Development
Sec. 2-177	Administration - Director of Community Development
Sec. 2-179	Administration - List of Divisions
Sec. 2-180	Administration - List of Divisions
Sec. 2-185	Planning Commission - Creation
Sec. 2-186	Planning Commission - Qualifications

Sec. 2-187	Planning Commission - Terms
Sec. 2-188	Planning Commission - Oath
Sec. 2-189	Planning Commission - Removal
Sec. 2-190	Planning Commission - Presiding Officer
Sec. 2-191	Planning Commission - Staff Assistance
Sec. 2-192	Planning Commission - Meetings
Sec. 2-193	Planning Commission - Voting Procedure
Sec. 2-194	Planning Commission - Powers & Duties
Sec. 2-195	Planning Commission - Staff Assistance
Sec. 2-196	Planning Commission - Bylaws/Meeting Minutes
Sec. 2-197	Planning Commission - Powers & Duties
Sec. 2-198	Planning Commission - Powers & Duties
Sec. 2-199	Planning Commission - Powers & Duties
Sec. 2-200	Planning Commission - Powers & Duties
Sec. 2-201	Planning Commission - Powers & Duties
Sec. 2-202	Planning Commission - Staff Assistance
Sec. 2-214	Transportation Safety Commission - Creation
Sec. 2-215	Transportation Safety Commission - Creation
Sec. 2-216	Transportation Safety Commission - Qualifications
Sec. 2-217	Transportation Safety Commission - Terms
Sec. 2-218	Transportation Safety Commission - Meetings
Sec. 2-219	Transportation Safety Commission - Voting Procedure
Sec. 2-220	Transportation Safety Commission - Powers & Duties
Sec. 2-232	Social Services Advisory Board - Creation
Sec. 2-233	Social Services Advisory Board - Creation
Sec. 2-234	Social Services Advisory Board - Qualifications
Sec. 2-235	Social Services Advisory Board - Term Limits
Sec. 2-236	Social Services Advisory Board - Presiding Officer/Meetings
Sec. 2-237	Social Services Advisory Board - Meetings
Sec. 2-238	Social Services Advisory Board- Powers & Duties
Sec. 2-239	Social Services Advisory Board - Powers & Duties
Sec. 2-251	City Manager - Emergencies
Sec. 2-252	City Manager - Emergencies
Sec. 2-253	City Manager - Emergencies
Sec. 2-265	Utility Commission - Creation
Sec. 2-266	Utility Commission - Creation
Sec. 2-267	Utility Commission - Qualifications
Sec. 2-268	Utility Commission - Term Limits/Vacancies
Sec. 2-269	Utility Commission - Oath
Sec. 2-270	Utility Commission - Removal
Sec. 2-271	Utility Commission - Presiding Officer
Sec. 2-272	Utility Commission - Staff Assistance
Sec. 2-273	Utility Commission - Staff Assistance
Sec. 2-274	Utility Commission - Meetings
Sec. 2-275	Utility Commission - Voting Procedure
Sec. 2-276	Utility Commission - Staff Assistance

Sec. 2-277	Utility Commission - Expenses
Sec. 2-278	Utility Commission - Powers & Duties
Sec. 2-279	Utility Commission - Powers & Duties
Sec. 2-280	Utility Commission - Powers & Duties
Sec. 2-281	Utility Commission - Powers & Duties
Sec. 2-282	Utility Commission - Powers & Duties
Sec. 2-283	Utility Commission - Powers & Duties
Sec. 2-284	Utility Commission - Powers & Duties
Sec. 2-285	Utility Commission - Powers & Duties
Sec. 2-286	Utility Commission - Expenses
Sec. 2-287	RIFA - Creation
Sec. 2-288	RIFA - Definitions
Sec. 2-289	RIFA - Powers & Duties
Sec. 2-290	RIFA - Powers & Duties
Sec. 2-291	RIFA - Member Localities
Sec. 2-292	RIFA - Locality Agreement
Sec. 2-293	RIFA - Qualifications/Bylaws
Sec. 2-294	RIFA - Principal Office
Sec. 2-295	RIFA - Funding
Sec. 2-296	RIFA - Reports
Sec. 2-297	Memorial Committee - Creation
Sec. 2-298	Memorial Committee - Creation
Sec. 2-299	Memorial Committee - Qualifications
Sec. 2-300	Memorial Committee - Vacancies
Sec. 2-301	Memorial Committee - Staff Assistance
Sec. 2-302	Memorial Committee - Voting Procedure
Sec. 2-303	Memorial Committee - Staff Assistance
Sec. 2-304	Memorial Committee - Powers & Duties
Sec. 2-305	Memorial Committee - Eligible Honorees
Sec. 2-306	Memorial Committee - Eligible Applications
Sec. 2-307	Memorial Committee - Voting Procedure
Sec. 2-308	Memorial Committee - Costs
Sec. 2-309	Memorial Committee - Designs
Sec. 2-310	Public Arts Commission - Creation
Sec. 2-311	Public Arts Commission - Creation
Sec. 2-312	Public Arts Commission - Powers & Duties
Sec. 2-313	Public Arts Commission - Qualifications/Terms
Sec. 2-314	Public Arts Commission - Conflicts of Interest
Sec. 2-315	Public Arts Commission - Meetings
Sec. 2-316	Public Arts Commission - Staff Assistance
Sec. 2-331	Other Postemployment Benefits Board - Creation
Sec. 2-332	Other Postemployment Benefits Board - Powers & Duties
Sec. 2-333	Other Postemployment Benefits Board - Powers & Duties
Sec. 2-334	Other Postemployment Benefits Board - Embezzlement
Sec. 2-335	Other Postemployment Benefits Board - Conflicts of Interest
Sec. 2-336	Other Postemployment Benefits Board - Reports

Sec. 2-337	Other Postemployment Benefits Board - Staff Assistance
Sec. 2-338	Other Postemployment Benefits Board - Powers & Duties
Sec. 2-339	Other Postemployment Benefits Board - Expiration of Board
Sec. 2-351	Coalition for Safe Danville - Creation
Sec. 2-352	Coalition for Safe Danville - Expiration of Board
Sec. 2-353	Coalition for Safe Danville - Powers & Duties
Sec. 2-354	Coalition for Safe Danville - Qualifications
Sec. 2-355	Coalition for Safe Danville - Presiding Officer
Sec. 2-356	Coalition for Safe Danville - Staff Assistance
Sec. 2-357	Coalition for Safe Danville - Staff Assistance
Sec. 2-358	Coalition for Safe Danville - Bylaws
Sec. 2-359	Coalition for Safe Danville - Meetings
Sec. 2-360	Coalition for Safe Danville - Voting Procedure
Sec. 2-370	IDA - Creation
Sec. 2-371	IDA - Creation
Sec. 2-372	IDA - Qualifications
Sec. 2-373	IDA - Term Limits/Vacancies
Sec. 2-374	IDA - Oath
Sec. 2-375	IDA - Removal
Sec. 2-376	IDA - Presiding Officer
Sec. 2-377	IDA - Staff Assistance
Sec. 2-378	IDA - Staff Assistance
Sec. 2-379	IDA - Meetings
Sec. 2-380	IDA - Voting Procedure
Sec. 2-381	IDA - Staff Assistance
Sec. 2-382	IDA - Expenses
Sec. 2-383	IDA - Powers & Duties
Sec. 2-384	IDA - Fiscal Year
Sec. 2-385	IDA - Creation
Sec. 2-386	DDA - Qualifications
Sec. 2-387	DDA - Term Limits/Vacancies
Sec. 2-388	DDA - Oath
Sec. 2-389	DDA - Removal
Sec. 2-390	DDA - Presiding Officer
Sec. 2-391	DDA - Staff Assistance
Sec. 2-392	DDA - Staff Assistance
Sec. 2-393	DDA - Meetings
Sec. 2-394	DDA - Voting Procedure
Sec. 2-395	DDA - Staff Assistance
Sec. 2-396	DDA - Expenses
Sec. 2-397	DDA - Powers & Duties
Sec. 2-398	DDA - Fiscal Year
Sec. 2-400	Danville United Coalition - Creation
Sec. 2-401	Danville United Coalition - Expiration of Board
Sec. 2-402	Danville United Coalition - Powers & Duties
Sec. 2-403	Danville United Coalition - Qualifications

Sec. 2-404	Danville United Coalition - Presiding Officer
Sec. 2-405	Danville United Coalition - Staff Assistance
Sec. 2-406	Danville United Coalition - Staff Assistance
Sec. 2-407	Danville United Coalition - Bylaws
Sec. 2-408	Danville United Coalition - Meetings
Sec. 2-409	Danville United Coalition - Voting Procedure
Sec. 2-410	SR-RIFA - Creation
Sec. 2-411	SR-RIFA - Definitions
Sec. 2-412	SR-RIFA - Powers & Duties
Sec. 2-413	SR-RIFA - Powers & Duties
Sec. 2-414	SR-RIFA - Member Localities
Sec. 2-415	SR-RIFA - Locality Agreement
Sec. 2-416	SR-RIFA - Qualifications/Bylaws
Sec. 2-417	SR-RIFA - Principal Office
Sec. 2-418	SR-RIFA - Funding
Sec. 2-419	SR-RIFA - Reports

<u>First Adopted</u>	<u>Last Amended</u>	<u>New Code Section</u>
1962	1962	Sec. 2-1(B)
1962	1962	Sec. 2-76(A)
1962	1962	Sec. 2-75(B)
1983	2022	Sec. 2-76(B)
1962	2024	Sec. 2-43
1962	1962	Sec. 2-41(B)(2)
1962	1962	Sec. 2-2(D)
1962	1962	Sec. 2-75(A)
1962	1962	Sec. 2-21(B)(5)
1962	1962	Sec. 2-54(B)
1962	1962	ELIMINATED
1993	1998	Sec. 2-76(C)
1962	2003	Sec. 2-4
1962	1962	*RP 3-1(A)
1962	1984	*RP 2-6; *RP 5-10(E)
1984	1984	*RP 5-10(E)
1962	1962	*RP 5-9
1962	1962	Sec. 2-3
1962	1962	*RP 6-2
1962	1983	*RP 4-1
1962	1962	Sec. 2-41
1962	1986	*RP 2-1
1962	2006	*RP 2-7
1962	2006	*RP 2-7
1962	2006	*RP 2-7
1962	2006	*RP 2-7
1986	2016	Sec. 2-103(A)
1986	2006	Sec. 2-103(C)
1962	2000	*RP 2-1
1962	1986	*RP 2-2
1962	1983	*RP 4-1
1983	1983	*RP 4-1(D)
1962	1962	ELIMINATED
1962	1962	*RP 3-4
1962	1983	*RP 4-2
1962	1962	*RP 5-3(B); 5-8
1962	1962	*RP 5-4
1962	1962	*RP 5-10(D)
1962	1962	*RP 5-7
1962	1962	*RP 5-7(B)(2)
1962	1962	*RP 5-7(B)(9)
1962	1962	*RP 5-7(B)(7) & (8)
1962	1962	*RP 5-7(B)(6)
1962	1962	*RP 5-3(D)
1962	1962	*RP 5-7(B)(1)

1962	1962	*RP 5-3(D)
1962	1962	*RP 5-3(D)
1962	1962	Sec. 2-5
1962	1962	*RP Introduction
1962	1962	*RP 5-7(B)(4)
1962	1962	Sec. 2-23
1982	1982	Sec. 2-21(B)(4)
1982	1982	Sec. 2-21(B)(4)
1962	1962	Sec. 2-24(E) & (F)
1962	1998	Sec. 2-22(B)
1996	1996	Sec. 2-22(A)
1962	1962	Sec. 2-51(B); 2-53(A)
1962	1962	Sec. 2-53(B)
1962	1962	Sec. 2-51(B)(4) & (5)
1962	1962	Sec. 2-51(B)(5)
1962	1962	Sec. 2-51(B)(5)
1962	1962	Sec. 2-31(B)(1)
1962	1962	Sec. 2-31(A)
1962	1962	Sec. 2-31(B)(4)
1986	1986	Sec. 2-33
1998	1998	Sec. 2-32(C)
1982	2014	Sec. 2-72(A)
1962	1982	Sec. 2-72(A)
1982	1986	Sec. 2-73(A)
1962	1982	Sec. 2-73(C)
1982	1982	Sec. 2-74(A)
1982	1982	Sec. 2-74(B)
1982	2001	Sec. 2-72(A)
1984	1984	Sec. 2-221(A)
1982	1997	Sec. 2-72(A)
1962	1962	Sec. 2-75(A)
1962	1962	Sec. 2-75(B)
1962	1992	Sec. 2-54(A)
1995	2001	Sec. 2-72(A)
1994	1994	Sec. 2-72(A)
1982	1991	Sec. 2-72(A)
1991	1991	Sec. 2-73(B)
1991	1991	Sec. 2-73(C)
1991	1991	Sec. 2-74(A)
1982	1991	Sec. 2-72(A)
1962	1991	Sec. 2-73(B)
1962	1992	Sec. 2-73(C)
2014	2014	Sec. 2-72(A)
1996	1996	Sec. 2-72(A)
1962	1998	Sec. 2-141
1962	1962	Sec. 2-142

1962	1962	Sec. 2-142; 2-103(E)
1962	1962	Sec. 2-102
1962	1962	Sec. 2-103(D)
1962	1962	Sec. 2-105(D)
1962	1992	Sec. 2-108(D)
1962	1962	Sec. 2-105(A) & (B)
1962	1962	Sec. 2-105(C)
1962	1998	Sec. 2-143
1962	1962	Sec. 2-108(A)
1962	1962	Sec. 2-105(F) & (I)
1962	1962	Sec. 2-143
1962	1962	Sec. 2-143
1962	1962	Sec. 2-143
1962	1962	Sec. 2-143
1962	1998	Sec. 2-143
1962	1992	Sec. 2-108(A)
1962	1962	ELIMINATED
1962	1962	ELIMINATED
1962	1962	ELIMINATED
1962	1962	ELIMINATED
1962	1962	ELIMINATED
1962	1962	ELIMINATED
1962	1962	ELIMINATED
1984	1984	Sec. 2-241
1984	1984	Sec. 2-241
1984	1984	Sec. 2-242
1984	1984	Sec. 2-242; Sec. 2-103(A)
1984	1984	Sec. 2-105(D)
1984	1984	Sec. 2-105(A)
1984	1984	Sec. 2-243
1984	1984	Sec. 2-243
2014	2014	Sec. 2-24(A)
2014	2014	Sec. 2-24(B) & (C)
2014	2014	Sec. 2-24(D)
1999	1999	Sec. 2-151
1999	1999	Sec. 2-151
1999	2021	Sec. 2-152
1999	2021	Sec. 2-152; Sec. 2-103(E)
1999	1999	Sec. 2-102; Sec. 2-104(B)
1999	1999	Sec. 2-103(D)
1999	2021	Sec. 2-105(D)
1999	1999	Sec. 2-108(D)
1999	1999	Sec. 2-108(C)
1999	1999	Sec. 2-105(A) & (B)
1999	1999	Sec. 2-105(C)
1999	1999	Sec. 2-108(A)

1999	1999	Sec. 2-108(E)
1999	1999	Sec. 2-153
1999	1999	Sec. 2-153
1999	1999	Sec. 2-153
1999	1999	Sec. 2-153
1999	1999	Sec. 2-153
1999	1999	Sec. 2-153
1999	1999	Sec. 2-23
1999	1999	Sec. 2-153
1999	1999	Sec. 2-108(F)
2001	2001	Sec. 2-301
2001	2001	Sec. 2-302
2001	2001	Sec. 2-303
2001	2001	Sec. 2-304
2001	2001	Sec. 2-305
2001	2001	Sec. 2-306
2001	2013	Sec. 2-307
2001	2001	Sec. 2-308
2001	2001	Sec. 2-309
2001	2001	Sec. 2-310
2001	2002	Sec. 2-451
2001	2002	Sec. 2-451
2001	2002	Sec. 2-452
2001	2002	Sec. 2-452; 2-103(E)
2001	2002	Sec. 2-108(C)
2001	2002	Sec. 2-105(C)
2001	2002	Sec. 2-108(A)
2001	2002	Sec. 2-453
2001	2005	Sec. 2-454(A)
2001	2005	Sec. 2-454(B)
2001	2002	Sec. 2-452(D); 2-454(C) & (D)
2001	2002	Sec. 2-455(A)
2001	2002	Sec. 2-455(B)
2024	2024	Sec. 2-231(A)
2024	2024	Sec. 2-231(B)
2024	2024	Sec. 2-233
2024	2024	Sec. 2-232; 2-103(A) - (E)
2024	2024	Sec. 2-104(A) & (B)
2024	2024	Sec. 2-105(A) - (L)
2024	2024	Sec. 2-108(A) - (F)
2009	2009	ELIMINATED
2009	2009	ELIMINATED
2009	2009	ELIMINATED
2009	2009	ELIMINATED
2009	2009	ELIMINATED
2009	2009	ELIMINATED

2009	2009	ELIMINATED
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2010	2010	ELIMINATED
2010	2010	ELIMINATED
2010	2010	ELIMINATED
2010	2010	ELIMINATED
1966	2011	Sec. 2-291
1966	2011	Sec. 2-291
1966	2011	Sec. 2-292
1966	2016	Sec. 2-292; 2-103(A)
1966	2011	Sec. 2-102; 2-104(B)
1966	2011	Sec. 2-103(D)
1966	2011	Sec. 2-105(D)
1966	2011	Sec. 2-108(D)
1966	2011	Sec. 2-108(C)
1966	2011	Sec. 2-105(A) & (B)
1966	2011	Sec. 2-105(C)
1966	2011	Sec. 2-108(A)
1966	2011	Sec. 2-108(E)
1966	2011	Sec. 2-293
1966	2011	Sec. 2-103(F)
1966	2011	Sec. 2-281
1964	2011	Sec. 2-282
1964	2011	Sec. 2-282; 2-103(A)
1964	2011	Sec. 2-102; 2-104(B)
1964	2011	Sec. 2-103(D)
1964	2011	Sec. 2-105(D)
1964	2011	Sec. 2-108(D)
1964	2011	Sec. 2-108(C)
1964	2011	Sec. 2-105(A) & (B)
1964	2011	Sec. 2-105(C)
1964	2011	Sec. 2-108(A)
1964	2011	Sec. 2-108(E)
1964	2011	Sec. 2-283
1964	2011	Sec. 2-103(F)
2013	2013	ELIMINATED
2013	2013	ELIMINATED
2013	2013	ELIMINATED
2013	2013	ELIMINATED

2013	2013	ELIMINATED
2013	2013	ELIMINATED
2013	2013	ELIMINATED
2013	2013	ELIMINATED
2013	2013	ELIMINATED
2013	2013	ELIMINATED
2018	2018	Sec. 2-321
2018	2018	Sec. 2-322
2018	2018	Sec. 2-323
2018	2018	Sec. 2-324
2018	2018	Sec. 2-325
2018	2018	Sec. 2-326
2018	2018	Sec. 2-327
2018	2018	Sec. 2-328
2018	2018	Sec. 2-329
2018	2018	Sec. 2-330

Notes

Conflicts with Va. Code § 2.2-804  
Incorrect State Law Citation

Amount unadjusted for inflation  
Conflicts with Va. Code § 15.2-1505  
Incorrect Charter Citation

Incorrect State Law Citation

Conflicts with Bylaws  
Conflicts with Va. Code regarding notice  
Incorrect Name; Incorrect Date; Conflicts with Charter  
Conflicts with Va. Code regarding notice

Conflicts with Charter  
Conflicts with Bylaws

Conflicts with Bylaws

Conflicts with Bylaws; Inapplicable provision  
Conflicts with Bylaws  
Conflicts with Bylaws

Conflicts with Bylaws

Amount unadjusted for inflation
Conflicts with present organization; No longer required by Chart
Conflicts with present organization; No longer required by Chart
Incorrect Department Name
Conflicts with present organization; No longer required by Chart
Conflicts with present organization; No longer required by Chart
Conflicts with present organization; No longer required by Chart
Conflicts with present organization; No longer required by Chart
Duplicate of Sec. 2-125
Conflicts with present organization; No longer required by Chart
Duplicate of Sec. 2-125
Conflicts with Sec. 9-52 & 9-83
Conflicts with present organization; No longer required by Chart
Conflicts with present organization; No longer required by Chart
Similar language in Ch. 41
Similar language in Ch. 41







Authority lapsed 2015
Authority lapsed 2015
Authority lapsed 2015
Authority lapsed 2015
Authority lapsed 2015
Authority lapsed 2015
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Mirrored with Pittsylvania County Ordinance
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<u>New Code Section</u>	<u>Topic</u>
Sec. 2-1	Interpretation - Purpose/Prior laws unaffected
Sec. 2-2	Council - Powers & Duties
Sec. 2-3	Council - Appointment/Removal officers & board members
Sec. 2-4	Council - Vacancies
Sec. 2-5	Council - Disciplining Council Members
Sec. 2-21	City Manager - Powers & Duties
Sec. 2-22	City Manager - Staff
Sec. 2-23	City Manager - Hiring/Firing Employees
Sec. 2-24	City Manager - Emergencies
Sec. 2-31	City Attorney - Powers & Duties
Sec. 2-32	City Attorney - Staff/ Outside Council
Sec. 2-33	City Attorney - Settlements
Sec. 2-41	City Clerk - Powers & Duties
Sec. 2-42	City Clerk - Staff
Sec. 2-43	City Clerk - Seal
Sec. 2-44	City Clerk - Seal
Sec. 2-51	City Treasurer - Powers
Sec. 2-52	City Treasurer - Staff
Sec. 2-53	Finances - City Checks
Sec. 2-54	Finances - Special City Charges
Sec. 2-55	Finances - Investing Idle Funds
Sec. 2-71	Employees - Obstructing City business
Sec. 2-72	Administration - Departmental Organization
Sec. 2-73	Administration - Department Directors
Sec. 2-74	Administration - Division Directors
Sec. 2-75	Finances - Departmental Financial Policies
Sec. 2-76	Employees - Special Requirements
Sec. 2-101	Boards - Staggering of terms/Residency
Sec. 2-102	Boards - Oaths
Sec. 2-103	Boards - Terms/ Term Limits/ Absenteeism/ Removal/ Vacancies
Sec. 2-104	Boards - Conflicts of Interest
Sec. 2-105	Boards - Meetings/Quorum/Officers/Committees/Bylaws/FOIA
Sec. 2-106	Boards - Emergency Meetings
Sec. 2-107	Boards - Remote Participation
Sec. 2-108	Boards - City Staff/Training/Pay/Expenses
Sec. 2-121	Architectural Review Board - Creation
Sec. 2-122	Architectural Review Board - Qualifications
Sec. 2-123	Architectural Review Board - Powers & Duties
Sec. 2-131	Community Policy Management Team - Creation
Sec. 2-132	Community Policy Management Team - Qualifications
Sec. 2-133	Community Policy Management Team - Powers & Duties
Sec. 2-141	Planning Commission - Creation
Sec. 2-142	Planning Commission - Qualifications
Sec. 2-143	Planning Commission - Powers & Duties
Sec. 2-151	Utility Commission - Creation

Sec. 2-152	Utility Commission - Qualifications
Sec. 2-153	Utility Commission - Powers & Duties
Sec. 2-201	Airport Commission - Creation
Sec. 2-202	Airport Commission - Qualifications
Sec. 2-203	Airport Commission - Powers & Duties
Sec. 2-211	Fair Housing Board - Creation
Sec. 2-212	Fair Housing Board - Qualifications
Sec. 2-213	Fair Housing Board - Powers & Duties
Sec. 2-231	Public Arts Commission - Creation
Sec. 2-232	Public Arts Commission - Qualifications
Sec. 2-233	Public Arts Commission - Powers & Duties
Sec. 2-241	Social Services Advisory Board - Creation
Sec. 2-242	Social Services Advisory Board - Qualifications
Sec. 2-243	Social Services Advisory Board - Powers & Duties
Sec. 2-251	Transportation Advisory Committee - Creation
Sec. 2-252	Transportation Advisory Committee - Qualifications
Sec. 2-253	Transportation Advisory Committee - Powers & Duties
Sec. 2-271	Retirement Board - Creation
Sec. 2-272	Retirement Board - Qualifications
Sec. 2-273	Retirement Board - Powers & Duties
Sec. 2-281	DDA - Creation
Sec. 2-282	DDA - Qualifications
Sec. 2-283	DDA - Powers & Duties
Sec. 2-291	IDA - Creation
Sec. 2-292	IDA - Qualifications
Sec. 2-293	IDA - Powers & Duties
Sec. 2-301	RIFA - Creation
Sec. 2-302	RIFA - Definitions
Sec. 2-303	RIFA - Powers & Duties
Sec. 2-304	RIFA - Powers & Duties
Sec. 2-305	RIFA - Member Localities
Sec. 2-306	RIFA - Locality Agreement
Sec. 2-307	RIFA - Qualifications/Bylaws
Sec. 2-308	RIFA - Principal Office
Sec. 2-309	RIFA - Funding
Sec. 2-310	RIFA - Reports
Sec. 2-321	SR-RIFA - Creation
Sec. 2-322	SR-RIFA - Definitions
Sec. 2-323	SR-RIFA - Powers & Duties
Sec. 2-324	SR-RIFA - Powers & Duties
Sec. 2-325	SR-RIFA - Member Localities
Sec. 2-326	SR-RIFA - Locality Agreement
Sec. 2-327	SR-RIFA - Qualifications/Bylaws
Sec. 2-328	SR-RIFA - Principal Office
Sec. 2-329	SR-RIFA - Funding
Sec. 2-330	SR-RIFA - Reports

Sec. 2-361	Veterans Memorial Committee - Creation
Sec. 2-362	Veterans Memorial Committee - Qualifications
Sec. 2-363	Veterans Memorial Committee - Powers & Duties
Sec. 2-401	Board of Building Code Appeals - Creation
Sec. 2-402	Board of Building Code Appeals - Qualifications
Sec. 2-403	Board of Building Code Appeals - Powers & Duties
Sec. 2-411	Board of Equalization - Creation
Sec. 2-412	Board of Equalization - Qualifications
Sec. 2-413	Board of Equalization - Powers & Duties
Sec. 2-421	Board of Zoning Appeals - Creation
Sec. 2-422	Board of Zoning Appeals - Qualifications
Sec. 2-423	Board of Zoning Appeals - Powers & Duties
Sec. 2-451	Memorial Committee - Creation
Sec. 2-452	Memorial Committee - Qualifications
Sec. 2-453	Memorial Committee - Powers & Duties
Sec. 2-454	Memorial Committee - Applications
Sec. 2-455	Memorial Committee - Costs/Design
Sec. 2-461	Local Legends Banner Committee - Creation
Sec. 2-462	Local Legends Banner Committee - Qualifications
Sec. 2-463	Local Legends Banner Committee - Powers & Duties
Sec. 2-464	Local Legends Banner Committee - Applications
Sec. 2-465	Local Legends Banner Committee - Costs/Design/Location
Sec. 2-471	Ambulance Committee - Creation
Sec. 2-472	Ambulance Committee - Qualifications
Sec. 2-473	Ambulance Committee - Powers & Duties

<u>Current Code Section</u>
NEW; Sec. 2-1
NEW
Sec. 2-29
Sec. 2-25
Sec. 2-68
NEW; Sec. 2-9; 2-78; 2-79
Sec. 2-81; 2-82
NEW; Sec. 2-77
Sec. 2-80; 2-251 - 253; 38-14
NEW; Sec. 2-109 - 111
NEW; Sec. 2-113
Sec. 2-112
NEW; Sec. 2-6
NEW
Sec. 2-5
NEW
NEW; Sec. 2-93(A); 2-95 - 97
NEW
Sec. 2-93; 2-94
Sec. 2-10; 2-146
NEW
Sec. 23-2
NEW; Sec. 2-123; 2-124; 2-135; 2-143; 2-153; 2-160; 2-168; 2-175; 2-179; 2-180
Sec. 2-125; 2-126; 2-169; 2-170; 2-176; 2-177
Sec. 2-127; 2-128; 2-153; 2-171
Sec. 2-3; 2-8; 2-144; 2-145
Sec. 2-2; 2-4; 2-12
NEW
NEW; 2-188; 2-269; 2-374; 2-388; 6-2; 6-31
Sec. 2-29; 2-44; 2-45; 2-187; 2-189; 2-235; 2-270; 2-300; 2-313; 2-373; 2-375; 2-384; 2-387;
Sec. 2-269; 2-314; 2-374; 2-388
Sec. 2-190; 2-192; 2-193; 2-196; 2-236; 2-237; 2-271; 2-274; 2-275; 2-302; 2-315; 2-376; 2-377;
NEW
NEW
Sec. 2-291; 2-195; 2-202; 2-272; 2-276; 2-277; 2-286; 2-301; 2-303; 2-316; 2-377; 2-378; 2-388;
Sec. 41.8.E
Sec. 41.8.E
Sec. 41.8.E
NEW
NEW
NEW
Sec. 2-185; 41.8.B
Sec. 2-186; 2-187; 41.8.B
Sec. 2-194; 2-197 - 201; 41.8.B
Sec. 2-265; 2-266

Sec. 2-267; 2-268
Sec. 2-278 - 283; 2-285
Sec. 6-11; 6-30;
Sec. 6-31
Sec. 6-38
Sec. 18-36
Sec. 18-36; 18-43
Sec. 18-44 - 46
Sec. 2-310; 2-311
Sec. 2-313
Sec. 2-312
Sec. 2-136; 2-232; 2-233
Sec. 2-234; 2-235
Sec. 2-238; 2-239
Sec. 6-1
Sec. 6-2
Sec. 6-9
Sec. 32-21
Sec. 32-21
NEW
Sec. 2-385
Sec. 2-386; 2-387
Sec. 2-397
Sec. 2-370; 2-371
Sec. 2-372; 2-373
Sec. 2-383
Sec. 2-287
Sec. 2-288
Sec. 2-289
Sec. 2-290
Sec. 2-291
Sec. 2-292
Sec. 2-293
Sec. 2-294
Sec. 2-295
Sec. 2-296
Sec. 2-410
Sec. 2-411
Sec. 2-412
Sec. 2-413
Sec. 2-414
Sec. 2-415
Sec. 2-416
Sec. 2-417
Sec. 2-418
Sec. 2-419

Sec. 25-12
Sec. 25-12
Sec. 25-12
Sec. 9-54
Sec. 9-54
Sec. 9-55; 9-56
NEW
NEW
NEW
Sec. 41.8.C
Sec. 41.8.C
Sec. 41.8.C
Sec. 2-297; 2-298
Sec. 2-299; 2-300; 2-307
Sec. 2-304
Sec. 2-305 - 307
Sec. 2-308; 2-309
Sec. 35-61
Sec. 35-61
Sec. 35-61
Sec. 35-61
Sec. 35-61
Sec. 39-101
Sec. 39-101
Sec. 39-101

<u>Notes</u>
Added purpose statement
Added Charter provisions
Added Charter provisions
Added power to designate existing employees to State required positions
Added Charter provisions
Added Charter provisions
Adjusted amounts for inflation
Added Charter provisions
Added Charter provisions
Added emeritus City Seal to ensure validity of older documents
Added Charter provisions
Added Charter provisions
Tied Late Fees to State maximum in case State law changes
Added Charter provisions; Designated CFO to invest idle funds
Moved Obstructing City Employees section from Ch. 23 - Miscellaneous
Added Charter provisions; Removed incorrect list
Clarified that Department Directors may designate to avoid repetition throughout Code
Aligned salary withholding rules for employee debts with State law
Corrected State Law Reference; Aligned residency requirements with State Law; Included contra
Added uniform process for staggering board terms to avoid repetition throughout Code
Clarified which boards must give oaths; Added uniform rules for oaths to avoid repetition th
Added uniform rules for terms of office to avoid repetition throughout Code
Added uniform rules for conflicts of interest to avoid repetition throughout Code
Added uniform rules for conduct of Meetings to avoid repetition throughout Code; Eliminated r
Added uniform rules for emergency Meetings to align with State law
Added uniform rules for remote participation to align with State law
Added uniform rules for City assistance to boards to avoid repetition throughout Code
Moved ARB from Chapter 41 - Zoning; Added Statement of Legal Authority
Moved ARB from Chapter 41 - Zoning
Moved ARB from Chapter 41 - Zoning
Codified CPMT to align with State law
Codified CPMT to align with State law
Codified CPMT to align with State law
Moved PC from Chapter 41 - Zoning
Moved PC from Chapter 41 - Zoning
Moved PC from Chapter 41 - Zoning

Moved Airport Commission from Chapter 6 - Transportation; Added Statement of Legal Authority
Moved Airport Commission from Chapter 6 - Transportation
Moved Airport Commission from Chapter 6 - Transportation
Moved Fair Housing Board from Chapter 18 - Housing; Added Statement of Legal Authority
Moved Fair Housing Board from Chapter 18 - Housing
Moved Fair Housing Board from Chapter 18 - Housing; Aligned powes & duties with State law
Added Statement of Legal Authority
Moved Transportation Committee from Chapter 6 - Transportation; Added Statement of Legal Authority
Moved Transportation Committee from Chapter 6 - Transportation
Moved Transportation Committee from Chapter 6 - Transportation
Moved Retirement Board from Chapter 32 - Retirement; Added Statement of Legal Authority
Moved Retirement Board from Chapter 32 - Retirement
Moved Retirement Board from Chapter 32 - Retirement; Restated powers & duties of Retirement
Mirrored with Pittsylvania County Ordinance
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Removed Town of Alta Vista; Added Pittsylvania County; Mirrored with Pittsylvania County Ordinance
Mirrored with Pittsylvania County Ordinance
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Moved Veterans Memorial Committee from Ch. 25 - Parks; Added Statement of Legal Authority
Moved Veterans Memorial Committee from Ch. 25 - Parks; Eliminated requirement that 1 member be
Moved Veterans Memorial Committee from Ch. 25 - Parks
Moved Board of Building Code Appeals from Ch. 9 - Buildings; Added Statement of Legal Authority
Moved Board of Building Code Appeals from Ch. 9 - Buildings; Clarified residency requirements
Moved Board of Building Code Appeals from Ch. 9 - Buildings; Added appeal rights for Code Off
Added Board of Equalization to align with State law
Added Board of Equalization to align with State law
Added Board of Equalization to align with State law
Moved BZA from Ch. 41 - Zoning; Added Statement of Legal Authority
Moved BZA from Ch. 41 - Zoning
Moved BZA from Ch. 41 - Zoning
Added Statement of Legal Authority
Require consideration of impacts of street name change on residents/EMS
Increased amount of time Memorial Committee and Council may consider applications
Moved Local Legend Banner Committee from Ch. 35 - Street and Traffic
Moved Local Legend Banner Committee from Ch. 35 - Street and Traffic
Moved Local Legend Banner Committee from Ch. 35 - Street and Traffic
Moved Local Legend Banner Committee from Ch. 35 - Street and Traffic
Moved Local Legend Banner Committee from Ch. 35 - Street and Traffic
Moved Ambulance Committee from Ch. 39 - Vehicles for Hire
Moved Ambulance Committee from Ch. 39 - Vehicles for Hire; Clarified City Officer serving as
Moved Ambulance Committee from Ch. 39 - Vehicles for Hire

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<u>NAME</u>	<u>ACRONYM</u>	<u>TYPE</u>	<u>VOTING MEMBERS</u>	<u>NON-VOTING MEMBERS</u>
Airport Commission	-	Advisory	8	2 (CM ; Dir. Transp.)
Ambulance Committee	-	Ad Hoc	5	1 (Fire Chief)
Architectural Review Board	ARB	Action	7	0
Board of Building Code Appeals	LBBCA	Appeal	7	0
Board of Equalization	-	Appeal	3	0
Board of Zoning Appeals	BZA	Appeal	7	0
Community Policy & Management Team	CPMT	Action	8	0
Danville Development Authority	DDA	Asset	7	0
Employees' Retirement Board of Trustees	ERB	Asset	9	0
Fair Housing Board	FHB	Advisory	5	1 (Fair Housing Coord.)
Local Legends Banner Committee	-	Ad Hoc	5	0
Industrial Development Authority	IDA	Asset	7	0
Memorial Committee	-	Ad Hoc	7	1 (Dir. PW)
Planning Commission	-	Action/Advisory	7	0
Public Arts Commission	-	Advisory	7	1 (Council)
Regional Industrial Facility Authory	RIFA	Asset	4	2 (Alternates)
Social Services Advisory Board	SSAB	Advisory	7	1 (Dir. Soc. Serv.)
Staunton River Regional Industrial Facility Au	SR-RIFA	Asset	6	3 (Alternates)
Transportation Advisory Committee	-	Advisory	7	1 (Dir. Transp.)
Utilities Commission	DUC	Action/Advisory	7	(Council ; Pitt. Co. Bd.)
Veterans' Memorial Board	-	Asset	7	0

<u>QUORUM</u>	<u>TERM</u>	<u>METHOD OF APPOINTMENT</u>	<u>ANNUAL MEETINGS</u>	<u>MEETING DATE</u>
5	3 Years	Council	12	2nd Tuesday
3	1 Year	Mayor	Ad Hoc	Ad Hoc
4	5 Years	Council	12	2nd Thursday
4	3 Years	Council	Ad Hoc	Ad Hoc
2	2 Years	Circuit Court	Biannually	Ad Hoc
4	5 Years	Circuit Court	Ad Hoc	3rd Thursday
5	3 Years	Council (3) ; Ex Off. (5)	12	Last Thursday
4	4 Years	Council	0	None Designated
5	2 Years	Council (3) ; Mayor (1) ; CM (1) ; CFO (1) ; Employees	4	Friday before 2nd Tuesday
3	3 Years	Council	4	None Designated
3	1 Year	Mayor (2) ; CM (3)	Ad Hoc	Ad Hoc
4	4 Years	Council	12	2nd Wednesday
4	1 Year	Mayor (6) ; CM (1)	Ad Hoc	Ad Hoc
4	4 Years	Council	12	2nd Monday
4	4 Years	Council (6) ; P & R (1)	4	None Designated
3	4 Years	Council (2) ; Pitt. Co. Bd. (2)	12	2nd Monday
4	4 Years	Council	4	3rd Monday
4	4 Years	Council (2) ; Pitt. Co. Bd. (2) ; Hurt Council (2)	1	None Designated
7	4 Years	Council (6) ; CM (1)	4	None Designated
4	3 Years	Council (6) ; CM (1)	12	4th Monday
4	Indefinite	City Manager (5) ; Ex Off. (2)	4	None Designated

<u>STAFF SECRETARY</u>	<u>LEGAL AUTHORITY</u>	<u>CREATED</u>
Transp. Senior Secretary	Va. Code § 5.1-41	1986
Emerg. Comm. Manager	Va. Code § 32.1-111.14	1991
CD Senior Secretary	Va. Code § 15.2-2306	2025
CD Permit Technician	Va. Code § 36-105	1986
City Assessor	Va. Code § 58.1-3370	N/A
CD Senior Secretary	Va. Code § 15.2-2308	1937
Soc. Serv. Senior Secretary	Va. Code § 2.2-5204	2012
CAO Legal Assistant	Va. Code § 15.2-4903	1964
Accounting Supervisor	Va. Code § 51.1-800	1993
Fair Housing Coord.	Va. Code § 36-96.21	1982
PW Senior Secretary	Va. Code § 15.2-1411	2021
CAO Legal Assistant	Va. Code § 15.2-4903	1966
PW Senior Secretary	Va. Code § 15.2-1411	2001
CD Senior Secretary	Va. Code § 15.2-2210	1946
Public Arts Coord.	Va. Code § 15.2-1411	2024
City Clerk	Va. Code § 15.2-6402	2001
Soc. Serv. Senior Secretary	Va. Code § 63.2-305	1984
Int. Admin. Senior Secretary	Va. Code § 15.2-6402	2018
Transp. Senior Secretary	Va. Code § 15.2-1411	2009
Util. Key Accounts Manager	Va. Code § 15.2-1411	1999
PW Senior Secretary	Va. Code § 15.2-1411	2008

**~~Chapter 1.5 CITY COUNCIL ELECTIONS AND ORGANIZATIONAL MEETING;  
SCHOOL BOARD ELECTIONS; ETC.~~**

**~~ARTICLE I. IN GENERAL~~**

**~~Sec. 1.5-1. General change in City Council and School Board elections and organizational meetings.~~**

~~The Virginia General Assembly approved Senate Bill 1157 on March 12, 2021, Chapter 103 of the Virginia Acts of Assembly—2021 Special Session I. The bill amends and reenacts § 15.2-1400 of the Code of Virginia, 1950, as amended, to provide that, notwithstanding the provisions of §§ 24.2-222 and 24.2-222.1 of the Virginia Code, §§ 2-1, 2-3, and 6-2 of the City Charter, or any other provision of law, general or special, beginning with any election held after January 1, 2022, elections for members of the City Council, or members of the School Board shall be held at the time of the November general election for terms to commence January 1.~~

~~(Ord. No. 2021-12.06, 12-21-21)~~

~~State law reference(s)—Authority of City to Change City Council and School Board Elections and Organizational Meetings, Code of Virginia, § 15.2-1400.~~

**~~ARTICLE II. CITY COUNCIL~~**

**~~Sec. 1.5-2. City Council elections.~~**

~~The governing body of the city shall be the Council, which shall consist of nine (9) members, who shall be elected at large. On and after January 1, 2022, four (4) Council Members shall be elected at the general election in November 2022 to serve for terms of four (4) years, and five (5) Council Members shall be elected at the general election in November 2024 to serve for terms of four (4) years, and successors shall be elected each fourth year, respectively, thereafter by the qualified voters of the City of Danville. All terms for Council Members shall commence on January 1 next following the date of the November election and continue until their successors have been duly elected and qualified.~~

~~(Ord. No. 2021-12.06, 12-21-21)~~

**~~Sec. 1.5-3. City Council terms.~~**

~~No term of a member of City Council shall be shortened in implementing the change to the November election date. The members of the City Council who were elected at a May general election and whose terms are to expire as of June 30 shall continue in office until their successors have been elected at the November general election in even numbered years and have been qualified to serve.~~

~~(Ord. No. 2021-12.06, 12-21-21)~~

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**Sec. 1.5-4. Inaugural or organizational meeting of the Council.**

An inaugural or organizational meeting of the Council shall take place in the council chamber in the municipal building at 12:00 noon on the first business day of January of each odd-numbered year. The meeting shall be called to order by the City Clerk, who shall administer the oath of office to the newly elected members of the Council. In the absence or inability of the City Clerk, the meeting may be called to order and the oath administered by the City Attorney. The first business of the Council shall be the election of a Mayor and Vice Mayor. Until this business has been completed, the Council shall not adjourn for a period longer than forty-eight (48) hours. The procedure for the election of the Mayor and Vice Mayor by the members of Council shall follow subsections B and C of § 2-5 of the City Charter.

(Ord. No. 2021-12.06, 12-21-21)

**Sec. 1.5-5. All other provisions to remain in effect.**

Except for the changes to the date of elections and corresponding changes in the terms of office established in this section, all other provisions of the City Charter relating to the election of Council Members shall remain in effect.

(Ord. No. 2021-12.06, 12-21-21)

***ARTICLE III. SCHOOL BOARD***

**Sec. 1.5-6. School Board elections.**

The supervision of schools in the division shall be vested in the school board selected as provided in this chapter or as otherwise provided by law. On and after January 1, 2022, three (3) School Board Members shall be elected at the general election in November 2022 to serve for terms of four (4) years, and four (4) School Board Members shall be elected at the general election in November 2024 to serve for terms of four (4) years, and successors shall be elected each fourth year, respectively, thereafter. All terms for School Board Members shall commence on January 1 next following the date of the November election and continue until their successors have been duly elected and qualified.

(Ord. No. 2021-12.06, 12-21-21)

**Sec. 1.5-7. School Board terms.**

No term of a member of the School Board shall be shortened in implementing the change to the November election date. The members of the School Board who were elected at a May general election and whose terms are to expire as of June 30 shall continue in office until their successors have been elected at the November general election in even-numbered years and have been qualified to serve.

(Ord. No. 2021-12.06, 12-21-21)

**Sec. 1.5-8. All other provisions to remain in effect.**

Except for the changes to the date of elections and corresponding changes in the terms of office established in this section, all other provisions of the City Charter relating to the election of School Board Members shall remain in effect.

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(Ord. No. 2021-12.06, 12-21-21)

## Chapter 2 ADMINISTRATION<sup>1</sup>

### ARTICLE I. IN GENERAL

#### Sec. 2-1. Personnel system and policies.

Nothing in this Code or the ordinance adopting this Code shall affect any ordinance adopting, approving, amending or otherwise relating to the personnel system and policies of the City, including, without limitation, personnel administration and position classification and pay plans for officers and employees, and all such ordinances are hereby recognized as continuing in full force and effect to the same extent as if set out at length in this Code.

Cross reference(s)—Retirement system, Ch. 32.

State law reference(s)—Duty of Council to provide for a classification and pay plan, Code of Virginia, § 15.2-1506.

#### Sec. 2-2. Bond for officers and employees.

The City shall provide a bond covering officers and employees of the City in such amount or penalty as approved by the City Manager, payable to the City in its corporate name and conditioned for the honest and faithful discharge by such officers and employees of the duties of their respective offices and positions. Such bond may be in blanket form.

(Code 1962, § 2-42)

Charter reference(s)—Authority of Council to require official bonds, § 10-3.

#### Sec. 2-3. Payment not to be made to officers and employees in arrears or in default.

No payment shall be made by the City to any officer or employee of the City who is in arrears to the City for any sum due the City or in default in rendering any account or report required of him.

(Code 1962, § 2-45)

#### Sec. 2-4. Conflict of interests.

(a)—Each and every officer and employee of the City is subject to and shall comply with the provisions of the Comprehensive Conflict of Interests Act set forth and contained in chapter 31 of title 2.2 (§ 3100 et seq.) of the Code of Virginia, as may be amended from time to time, to the extent and in the manner that such Act is applicable to his office or position of employment.

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<sup>1</sup>Cross reference(s)—Animal warden, § 5-3 et seq.; Danville Municipal Airport, § 6-11 et seq.; Building Code Board of Appeals, § 9-54 et seq.; city cemetery, § 10-14 et seq.; Danville Farmers Market, Ch. 11; elections, Ch. 12; Fair Housing Board, § 18-36 et seq.; Public Library, Ch. 19; obstructing or interfering with City officers or employees, § 23-2; permit for assemblies, demonstrations, etc., on City property, § 24-1; procurement code, Ch. 30; retirement system, Ch. 32; utility services, Ch. 38.

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(b) ~~Each member of the Council and the City Manager shall, as a condition to assuming such office or employment, file a disclosure statement of his or her personal interests and such other information as is specified on the form set forth in section 2.2-3117 of the Code of Virginia, as may be amended from time to time, and thereafter shall file such a statement annually on or before January 15.~~

(c) ~~The City Clerk shall cause the prescribed forms for the disclosure statements required by this section to be distributed to each officer and employee of the City required to file the same at least twenty (20) days prior to the filing deadline. The disclosure statements shall be filed and maintained as public records for five (5) years in the office of the City Clerk.~~

~~(Ord. No. 83-11.8, 11-7-83; Ord. No. 85-12.10, 12-3-85; Ord. No. 92-7.2, 7-7-92; Ord. No. 93-12.9, 12-7-93; Ord. No. 95-6.16, § 2, 6-6-95; Ord. No. 96-4.1, § 2, 4-2-96; Ord. No. 96-6.5, § 3, 6-4-96; Ord. No. 97-4.8, § 3, 4-1-97; Ord. No. 98-01.03, § 3, 1-6-98; Ord. No. 2001-05.07, § 1, 5-15-01; Ord. No. 2014-06.08, 6-17-14; Ord. No. 2016-09.18, 9-20-16; Ord. No. 2022-12.06, 12-20-22)~~

### **Sec. 2-5. City seal generally.**

(a) ~~The corporate seal of the City shall be circular in form, one and seven-eighths inches in diameter, with a braided edge, with the words "City of Danville, Virginia" appearing on the circumference with a sheaf of wheat positioned on either side of "Virginia," and with a design in the center depicting a bridge over a river with the sun above the bridge. "1793" will also appear with "17" on left side of the border and "93" on the right side of the border. The word "SEAL" will appear in the center. No other seal shall be used for the City and no paper issued by municipal authority which requires the seal of the City shall be valid, unless the seal described herein shall be duly affixed thereto, attested by the City Clerk. The City Clerk shall be the custodian of the seal.~~

(b) ~~An imprint of the seal hereby approved and adopted is attached to the original draft of the ordinance from which this section is derived, which ordinance was adopted on April 2, 2024.~~

~~(Code 1962, § 1-7; Ord. No. 2024-04.10, 4-2-24)~~

~~Charter reference(s)—Authority of City to have seal, § 1-1; City Clerk to be custodian of seal, with authority to use and authenticate it, § 4-1.~~

### **Sec. 2-6. Report of contracts to City Clerk.**

~~All contracts executed on behalf of the City shall be reported to the City Clerk.~~

~~(Code 1962, § 2-8)~~

~~Cross reference(s)—Procurement code, Ch. 30.~~

### **Sec. 2-7. Appropriation prerequisite to contract or expenditure.**

~~No contract shall be entered into or expenditure authorized unless an appropriation covering such contract or expenditure has been made and all such contracts and orders for such expenditures shall be countersigned by the Director of Finance to show such appropriation.~~

~~(Code 1962, § 2-6)~~

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### **Sec. 2-8. Appropriations to charitable institutions.**

No appropriation of funds or donation of services shall be made by the City to a charitable or nonprofit institution or organization unless the same shall have a perfected organization with proper officers and a board of directors. All such institutions or organizations receiving an appropriation of funds or donation of services from the City shall be required to submit to the Director of Finance, for the use of the Council, an annual report of its proceedings within ninety (90) days after the close of its fiscal year, and such other reports at such times as may be called for. All such reports shall show in detail all receipts and disbursements of money and the appraised value of all assets, including money on hand, and shall be available for all persons interested.

(Code 1962, § 9-2)

Charter reference(s)—Authority of Council to grant financial aid to charitable institutions, § 8-12.

### **Sec. 2-9. Schedule of fees for services rendered and permits and licenses issued by City.**

The City Manager shall annually prepare and, together with the annual budget, submit to the Council, for its consideration and approval, a schedule of the fees, other than those set out elsewhere in this Code, to be charged by the City or by any of its several departments and divisions for services rendered or permits or licenses issued during the ensuing fiscal year, which schedule the Council shall, after making such changes therein as it may see fit, and before the end of the fiscal year, approve and adopt by ordinance for the ensuing fiscal year. Nothing in this Code or the ordinance adopting this Code shall affect any such ordinance so adopted and all such ordinances are hereby recognized as continuing in full force and effect to the same extent as if set out at length in this Code.

(Code 1962, § 2-9.1)

Charter reference(s)—Authority of Council to establish, impose and enforce rates and charges for services furnished by City, § 2-19.

### **Sec. 2-10. Bad check service fee.**

Any person who tenders and remits to the City, in payment of any tax, fee, charge, cost or other sum due the City, a check which is, because of insufficient funds or credit of the drawer of the check or because there is no account or the account has been closed, returned unpaid by the bank upon which such check is drawn or presented shall pay to the City a fee in the maximum amount permitted by the laws of the Commonwealth for each such check.

(Code 1962, § 2-9.3)

State law reference(s)—Authority for above section and maximum amount of fee, Code of Virginia, § 15.2-106.

### **Sec. 2-11. Insurance on vehicles used in City's public transportation system.**

Every vehicle operated by the public transportation system of the City to transport passengers for the general public, including school pupils and school personnel, shall be insured by a policy issued by an insurance carrier authorized to transact business in the Commonwealth and providing bodily injury and property damage liability insurance in the amounts of at least five hundred thousand dollars (\$500,000.00) for bodily injury, including death, to one person and five hundred thousand dollars (\$500,000.00) for damage, including destruction, to the property of any person other than the insured.

(Code 1962, § 2-9.2)

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State law reference(s)—Authority of City relative to public transportation system, § 1-5.

**Sec. 2-12. Employees required to reside in the City.**

While at the time of their appointment, the following employees need not be a resident of the City or of the Commonwealth of Virginia; during their tenure in office, the City Manager, the Deputy City Manager, the Assistant City Manager, the City Attorney and any Assistant City Attorney shall reside within the City.

(Ord. No. 93-5.16, 5-4-93; Ord. No. 98-11.11, 11-5-98)

**Secs. 2-13—2-24. Reserved.**

***ARTICLE II. CITY COUNCIL<sup>2</sup>***

***DIVISION 1. GENERALLY***

**Sec. 2-25. Filling of vacancies.**

(a)—When any vacancy existing in the Council is to be filled pursuant to the provisions of section 2-4 of the Charter, an interview will be given to the first runner-up in the most recent council election as a finalist for filling the vacant council seat.

(b)—Prior to filling any vacancy on Council, the Council shall conduct a public interview of each of the finalists selected by Council for filling the vacancy.

(Code 1962, § 2-11.1; Ord. No. 2003-06.01, 6-3-03)

**Sec. 2-26. General authority of Mayor during meetings.**

The Mayor, while the Council is in session, shall have general supervision of the Council chamber, with power, in case of disturbance or disorderly conduct in such part thereof as may be appropriated to spectators, to have the same cleared. Stenographers and reporters for the press, wishing to take down the proceedings of the Council, may be admitted by the Mayor, who shall cause to be assigned them such places on the floor as shall not interfere with the convenience of the members, and no person, except officers of the City or their deputies or clerks in the exercise of an official duty, shall be admitted within the bar unless by permission of the Mayor. No person, other than members, shall be permitted to occupy the seat of any member during a session of the Council. The Mayor shall have the right to invite to the floor such persons as he shall deem deserving of the privilege, but the right of admission under such invitation shall not be extended beyond the day on which it shall be given.

(Code 1962, § 2-10)

Charter reference(s)—Mayor to be president of council and preside at meetings, § 2-5.

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<sup>2</sup>Charter reference(s)—The Council, Ch. 2.

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## **Sec. 2-27. Voting at elections.**

(a) ~~At all elections by the Council, the voting shall be viva voce, each member shall be entitled to one vote and only one person shall be elected at a time, except when a slate of nominees is presented in the form of a proposed resolution in which there is only one nominee for each position to be filled. If on any ballot where there are two (2) or more nominees for the position to be filled, and no one receives a majority of all the votes, the name of the person receiving the smallest number of votes shall be dropped, and shall not again be put in nomination until a ballot intervenes.~~

(b) ~~At elections to fill Council member vacancies and the offices of Mayor and Vice Mayor, the rolls shall be called by the Clerk in alphabetical order.~~

~~(Code 1962, § 2-12; Ord. No. 84-10.6, 10-2-84; Ord. No. 84-10.7, 10-16-84)~~

### **Sec. 2-27.1. Voting sequence on roll call.**

~~With each change in the composition of the Council and except for filling Council member vacancies and the offices of Mayor and Vice Mayor, the first roll call vote shall be in alphabetical order. Thereafter, each subsequent roll call shall be on a rotating basis in descending alphabetical order (i.e., the Council member called first on the previous roll call shall be called last on the next roll call).~~

~~(Ord. No. 84-10.6, 10-2-84)~~

## **Sec. 2-28. Members required to vote; exception.**

~~Every member present at a Council meeting shall be required to vote on all questions as presented, unless he shall have such an interest therein as would disqualify him under the provisions of the Comprehensive Conflict of Interests Act.~~

~~(Code 1962, § 2-13)~~

~~State law reference(s)—Comprehensive Conflict of Interests Act, Code of Virginia, § 2.1-599 et seq.~~

## **Sec. 2-29. Removal of officers appointed by Council.**

~~For malfeasance, neglect of duty, incapacity or any other good cause, the Council may remove from office any officer appointed by it.~~

~~(Code 1962, § 2-44)~~

## **Sec. 2-30. Style of ordinances and resolutions.**

~~The style in which ordinances shall be enacted by the Council shall be as follows: "Be it ordained by the Council of the City of Danville, Virginia." The style in which resolutions shall be passed shall be: "Be it resolved by the Council of the City of Danville, Virginia."~~

~~(Code 1962, § 2-14)~~

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**Sec. 2-31. Presentation of ordinances and other matters to Council.**

All ordinances, resolutions and other items of business to be presented for consideration by the Council at one of its regular or special meetings shall, except in the case of an emergency, be delivered to the City Clerk in time for inclusion on the agenda for such meeting.

(Code 1962, § 2-15; Ord. No. 83-10.3, 10-11-83)

**Sec. 2-32. Payment of cost of publication of ordinances granting privileges.**

Whenever any ordinance granting any right or privilege to any person named therein is published in the newspapers of the City in the manner prescribed by law, the expense of such publication shall be borne entirely by such person, who shall be deemed to have assumed such expense by the acceptance of the provisions of such ordinance. Such person shall pay the cost of such publication within thirty (30) days after the presentation of the bill for same and, for the failure so to do, shall forfeit all rights and privileges authorized and granted by such ordinance and such ordinance shall be null and void.

(Code 1962, § 2-16)

**Sec. 2-33. Council conferences.**

(a) Immediately following the adjournment of the Council's regular meeting on the third Tuesday of each month, a conference shall be held by the Council in the Council conference room, unless cancelled by the Mayor, for the purpose of briefings, reports and presentations by and consultations with staff members, legal counsel and consultants of the City and the committees and invitees of the Council upon matters of City policies, affairs and business prior to the consideration of such matters at a subsequent regular or special meeting of the Council.

(b) In addition to the conference provided for hereinabove, the Mayor or any three (3) members of the council may call a conference of the Council to be held at any time, date and place, and for any purpose, for which verbal notice shall, except in the case of an emergency, be given to each member of the Council, to the City Manager and to the City Attorney at least three (3) hours prior to such conference.

(Code 1962, § 2-18.1; Ord. No. 82-10.3, 10-11-83; Ord. No. 86-8.10, 8-5-86)

**Secs. 2-34—2-39. Reserved.**

***DIVISION 2. COMMITTEES***

**Sec. 2-40. Committee on appointments; citizens resource bank; procedure for appointments to boards and commissions.**

(a) A Committee on Appointments, consisting of three (3) members of the Council appointed by the Mayor for a term of two (2) years each, shall consider and recommend to the Council names of persons qualified for appointment to boards and commissions of the City. The City Manager and a staff member who regularly works with the board or commission involved shall serve as ex-officio members of such committee, without the right to vote.

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- (b) ~~A Citizens Resource Bank shall be established and maintained by the City Clerk for the retention of all applications of citizens who apply for appointment to a board or commission of the City.~~
- (c) ~~Names of prospective appointees may be obtained by the Committee on Appointments either from the applications in the Citizens Resource Bank or by nomination by a member of the Council.~~
- (d) ~~The schedule for consideration of applicants and nominations for appointment to boards and commission of the City shall be as follows:~~
- ~~(1) The City Clerk, shall, at least sixty (60) days prior to such appointment by the Council, publish in a newspaper published in the City public notice of the appointment to be considered by Council. If another vacancy occurs on the same board or commission within ninety (90) days after such publication, further publication shall not be required.~~
  - ~~(2) All applications and nominations for the appointment must be received by the City Clerk or by the Chairman of the Committee on Appointments no later than the regular monthly conference of the Council next preceding the month in which the appointment is to be made.~~
  - ~~(3) The Committee on Appointments shall consider all applicants and nominations, including present member consenting to be considered for reappointment, to determine those individuals to be evaluated further by interviews or conferences. Such interviews may be conducted privately or publicly. Interviews may be conducted for applicants for appointment to the Planning Commission and the Redevelopment and Housing Authority.~~
  - ~~(4) In preparing its recommendations to the Council, the Committee on Appointments shall consider the membership, needs and programs of the board or commission and other relevant factors.~~
  - ~~(5) The Committee on Appointments shall report its recommendations to the Council at the regular monthly Council Work Session next preceding the regular meeting of the Council at which the appointment is to be considered and made.~~
- (e) ~~All newly appointed member of boards and commissions of the City shall receive orientation, including laws, bylaws, current programs and problems, tours of facilities and other information relating to the board or commission.~~

~~(Code 1962, § 2-18.3, Ord. No. 82-3.8, 3-9-82; Ord. No. 95-1.8, 1-3-95; Ord. No. 2001-04.07, 4-3-01; Ord. No. 2006-04.11, 4-4-06)~~

~~State law reference(s)—Requirement for public notice and hearing before appointment of School Board members, Code of Virginia, §§ 22.1—29.1.~~

### **Sec. 2-41. Special committees.**

~~The Mayor may appoint such special committees from time to time as he may see fit and may determine the number of the members thereof and shall designate the chairman.~~

~~(Code 1962, § 2-19; Ord. No. 2006-04.11, 4-4-06)~~

### **Sec. 2-42. Committee quorum.**

~~To constitute a quorum of any Council committee, there must be a majority of its members present.~~

~~(Code 1962, § 2-20; Ord. No. 2006-04.11, 4-4-06)~~

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**Sec. 2-43. Reports to Council.**

It shall be the duty of each committee to whom any matter shall be referred to report thereon to the Council at the first meeting after the reference, or to ask further time.

(Code 1962, § 2-21; Ord. No. 2006-04.11, 4-4-06)

**Sec. 2-44. Limitation on number of terms.**

- (a) — Other provisions of this Code notwithstanding, Council appointees to Boards and Commissions shall be ineligible for reappointment by the Council for more than four (4) consecutive terms when the term of office is for three (3) years or less and for three (3) consecutive terms when the term of office is for four (4) years or more.
- (b) — When a person is appointed to fill less than fifty (50) percent of the unexpired term of a prior appointee, such term of office shall not be counted as a term of office in enforcing or applying this limitation. However, in no case shall a person serve more than fifteen (15) consecutive years on any Board or Commission.
- (c) — Any person ineligible for reappointment to a Board or Commission of the provisions of this section shall again be eligible for reappointment to such Board or Commission after at least one (1) full year has elapsed since the expiration of his last term of office.

(Ord. No. 86-11.7, 11-6-86; Ord. No. 90-10.3, 10-2-90; Ord. No. 2001-04.07, 4-3-01; Ord. No. 2006-04.11, 4-4-06; Ord. No. 2016-07.04, 7-5-16)

**Sec. 2-45. Absence as an implied resignation.**

- (a) — Any person appointed by Council to a Board or Commission who fails to attend seventy-five (75) percent of the regular meetings of said Board or Commission will be deemed to have resigned from that office.
- (b) — Any failure to attend a regular meeting of a Board or Commission by a person appointed by Council to such Board or Commission which results in the total attendance of such person at the regular meetings thereof to fall below seventy-five (75) percent or less for any twelve-month period shall be deemed an implied resignation of that office by such person. Appointment by Council of another person to fill said office shall constitute an acceptance of such resignation.

(Ord. No. 86-11.7, 11-6-86; Ord. No. 2006-04.11, 4-4-06)

**Secs. 2-46—2-49. Reserved.**

***DIVISION 3. RULES OF PROCEDURE<sup>3</sup>***

**Sec. 2-50. Regular meetings.**

Regular meetings of the Council shall be held in the Council Chamber at 7:00 p.m. on the first and third Tuesdays of each month; provided, however, that whenever the day for a regular meeting of the Council falls on

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<sup>3</sup>Charter reference(s)—Authority of Council to adopt rules of procedure, § 2-11.

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the first day of January, the third day or fourth day of July or on the date of a general election, then such meeting shall be held on the following Thursday at the same hour and place.

When it reasonably appears that a quorum will not be present at a subsequent regular meeting of Council, Council may by resolution adopted at any prior regular meeting cancel such subsequent regular meeting. The City Clerk shall publish notice of the cancellation of the meeting in a local newspaper not less than seven (7) days prior to the date on which the meeting was to be held. However, no more than one (1) regular meeting in any calendar month may be cancelled.

(Code 1962, § 2-23; Ord. No. 83-10.3, 10-11-83; Ord. No. 84-9.6, § 2-23, 9-4-84; Ord. No. 86-8.10, 8-5-86; Ord. No. 88-9.5, 9-6-88; Ord. No. 2000-12.03, 12-5-00)

Charter reference(s)—Regular meeting of Council to be held at least once each month, § 2-11.

### **Sec. 2-51. Special meetings.**

(a)—The Mayor or any three (3) members of the Council may call a special meeting of the Council to be held at any time, date or place and for any purpose.

(b)—Written notice of each special meeting of the Council shall, except in the case of an emergency, be given to each member of the Council, to the City Manager and to the City Attorney at least three (3) hours before the time designated for such special meeting. The notice shall specify the time, date and place for and the purposes of the special meeting. If any person to whom such notice is required to be given may not be found at his or her residence or place of business, then it shall constitute sufficient notice if the written notice of the special meeting is delivered to a member of the family, a business associate or an employee of that person.

(Code 1962, § 2-24; Ord. No. 83-10.3, 10-11-83; Ord. No. 86-8.10, 8-5-86)

Charter reference(s)—Call and notice of special Council meetings, § 2-11; rescinding or reconsidering vote at special meeting, § 2-12.

### **Sec. 2-52. Order of business at regular meetings.**

At every regular meeting of the Council the order of business shall be as follows:

- (1)—Meeting called to order.
- (2)—Roll call.
- (3)—Invocation.
- (4)—Pledge of allegiance.
- (5)—Special recognitions and announcements.
- (6)—Communications from visitors.
- (7)—Old business.
- (8)—Appointments.
- (9)—New business.
- (10)—Consent agenda.
- (11)—Communications from the City Manager, City Attorney, City Clerk and members of the Council.

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(12) ~~Adjournment.~~

(Code 1962, § 2-27; Ord. No. 83-10.3, 10-11-83)

**~~Sec. 2-53. Composition of, and action on matters included in, consent agenda.~~**

~~The consent agenda shall consist of items of business which have been previously considered by the Council or which are deemed to be merely routine and shall be acted upon by one motion without discussion of any item thereof. Should any member of the Council or any citizen desire consideration or discussion of or vote upon any item of business contained in the consent agenda separate from the other items thereon, that item shall, upon request and for that purpose, be removed from the consent agenda and considered separately. Each item of business comprising the consent agenda shall be recorded as if voted upon separately.~~

~~(Ord. No. 83-10.3, 10-11-83)~~

**~~Sec. 2-54. Closing of agenda; oral presentations.~~**

~~The agenda for a regular meeting of the Council shall be closed at 12:00 noon on the Thursday before the meeting on Tuesday. When any person desires to present any matter, which is not a part of the Council's agenda or the subject of a scheduled public hearing, before the Council orally at any regular meeting, such person may place an item on the agenda by submitting a written request to the City Clerk explaining the nature of the subject matter. The written request must be filed with the City Clerk by 12:00 noon on the eighth day preceding the regular Council meeting and items of a financial nature shall be presented to the City Clerk in writing by 12:00 noon on the fifteenth day preceding the regular Council meeting. No person, other than a member of the Council and the City Manager, shall again present a matter that has been considered by the Council until three (3) regular meetings of the Council shall have passed.~~

~~(Code 1962, § 2-27.1)~~

**~~Sec. 2-55. Preservation of order and decorum; right of Mayor to speak to and decide questions of order.~~**

~~The Mayor shall preserve order and decorum at Council meetings. He may speak to points of order in preference to other members, and shall decide questions of order without debate, subject to an appeal to the Council. On every appeal, the Mayor shall have the right to assign reasons for his decision.~~

~~(Code 1962, § 2-11)~~

**~~Sec. 2-55.1. Communications from visitors.~~**

~~At any regular meeting of the Council, visitors who desire to speak upon matters other than those on the agenda for such meeting may do so only at the time for communications from visitors. Matters brought to the attention of the Council at that time which require action by the Council shall be referred to the City Manager for a report at a subsequent meeting of the Council. Persons who desire to speak upon a matter of business which is on the agenda of the meeting may do so only at the time the matter is considered by the Council.~~

~~(Code 1962, § 2-27; Ord. No. 83-10.3, 10-11-83)~~

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### **Sec. 2-56. Speaking by members generally.**

- (a) A member of the Council desiring to speak shall respectfully address "Mr. Mayor." No member shall proceed until he has been recognized by the Mayor, and during the time allowed him he shall confine himself strictly to the question before the Council. No member, while speaking, shall be disturbed in any manner by private conversation or otherwise.
- (b) In any one debate on the same question, no member shall speak more than once until all others have spoken who have a desire to do so, nor more than twice without the consent of a majority of the members present. No member shall speak more than ten (10) minutes at one time. These limitations shall not apply to the chairman or acting chairman of a committee, when explaining a report or ordinance.

(Code 1962, §§ 2-28, 2-34)

### **Sec. 2-57. Propounding questions.**

- (a) The Mayor shall propound all questions in the order in which they are moved, unless the subsequent motion shall be previous in its nature.
- (b) Questions shall be distinctly put in the following form, viz.; "As many as agree that, etc., (as the question may be,) say aye," and after the affirmative vote is given, "those opposed say no." If the Mayor doubts, or a division is called for, the house shall divide, those in the affirmative of the question rising first from their seats, and afterwards in the negative. If required, the Mayor shall cause the result to be ascertained by a count.

(Code 1962, § 2-29)

### **Sec. 2-58. Yeas and nays.**

The yeas and nays on any question may be called for at any time before proceeding to another question or proposition by a call of one member. When voting has commenced by call of the roll, members shall respond only a "yea" or "nay" vote, or in a proper case, an abstention.

(Code 1962, § 2-30)

### **Sec. 2-59. Motions while question under debate.**

When a question is under debate, the Mayor shall receive no motion but to adjourn, to lay on the table, for the previous question, to postpone to a day certain, to commit or recommit, to amend or to postpone indefinitely, which several motions shall have precedence in the order in which they stand arranged.

(Code 1962, § 2-31)

### **Sec. 2-60. Motion to adjourn.**

A motion to adjourn shall be in order at any time, except on an immediate repetition, or when on the call for the previous question the same shall have been ordered, or when a member shall have the floor, or pending the verification of a vote, and shall be decided without debate.

(Code 1962, § 2-32)

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**Sec. 2-61. Reducing motions or propositions to writing; withdrawal.**

Every motion or proposition shall be reduced to writing, if desired by the Mayor or any member, and shall be delivered at the Clerk's table, to be there read, and after being seconded, the question shall be stated by the Mayor before the same shall be debated. A motion or proposition, after it has been stated by the Mayor, shall not be withdrawn except by the consent of the seconder.

(Code 1962, § 2-33)

**Sec. 2-62. Division of questions; amendments.**

If the question for decision includes several distinct propositions, the same may be divided on the demand of any one member; but a motion to strike out and insert shall not be so divided, nor shall a motion to strike out, being lost, preclude either an amendment or a motion to strike out and insert. No motion or proposition on a subject, different from that under consideration, shall be admitted under color of amendment.

(Code 1962, § 2-35)

**Sec. 2-63. Moving for previous question or pending question.**

Pending a debate, any member who obtains the floor for that purpose only, and submits no other motion or remark, may move for "the previous question," or the "pending question," and in either case the motion shall be forthwith put to the Council. Two-thirds of the members present shall be required to order the previous question, but a majority may require an immediate vote upon the pending question, whatever it may be.

(Code 1962, § 2-36)

**Sec. 2-64. Members not to use insulting, etc., words or gestures.**

No member shall, in debate, use any language or gesture calculated to wound, offend or insult another member.

(Code 1962, § 2-37)

**Sec. 2-65. Transgression of rules in speaking.**

(a) If any member, in speaking, transgress the rules of the Council, the Mayor shall, or any member may, call him to order, in which case the member called to order shall immediately yield the floor unless permitted to explain. If there is no appeal, the decision of the chair shall be obeyed. If the decision is in favor of the member called to order, he shall be at liberty to proceed. If otherwise, he shall not proceed except by leave of the Council. For flagrant or repeated violations of order, especially if persisted in after the admonition of the Mayor, a member shall be liable to the censure of the Council.

(b) If any member is called to order by another member for words spoken, the words excepted to shall be immediately taken down in writing by the Clerk, in order that the Mayor and the Council may be better able to judge the matter.

(Code 1962, § 2-38)

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**Sec. 2-66. Conduct of members during session.**

No member shall, while the Council is sitting, interrupt or hinder its business by standing, leaving his place, moving about the chamber, engaging in conversation, expressing approval or disapproval of any of the proceedings, or by any other conduct tending to disorder or confusion.

(Code 1962, § 2-39)

**Sec. 2-67. Permission required for member to leave meeting.**

After a member, at any meeting of the Council, has been recorded as present, he shall not, without permission of the Mayor, absent himself from such meeting until its adjournment.

(Code 1962, § 2-40)

**Sec. 2-68. Punishment of members.**

The Council may, by a majority vote of its whole number, punish its members for disorderly behavior by a fine not exceeding fifty dollars (\$50.00), and by a vote of three-fourths of its whole number, it may expel for misconduct in office.

(Code 1962, § 2-41)

Charter reference(s)—Authority of Council to punish members, § 2-7.

**Sec. 2-69. Questions not covered by rules.**

Upon all questions where there is no rule of the Council, Roberts' manual of parliamentary rules shall govern.

(Code 1962, § 2-25)

**Sec. 2-70. Suspension of rules.**

No rule shall be suspended by the Council, unless two-thirds of the whole number of members elected to the Council shall vote in the affirmative. This power of suspension shall only apply to rules adopted by the Council for the convenient transaction of business and set out in this division.

(Code 1962, § 2-22)

**Secs. 2-71—2-76. Reserved.**

***ARTICLE III. CITY MANAGER<sup>4</sup>***

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<sup>4</sup>Charter reference(s)—City Manager, Ch. 3.

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### **Sec. 2-77. Appointment and removal of officers and employees.**

The City Manager shall appoint all such City officers and employees as the Council determines are necessary for the proper administration of the affairs of the City, except those appointed by the Council pursuant to the Charter and except those whose appointment is otherwise provided for in this Code. He shall have power to discipline and remove any officer or employee so appointed by him.

(Code 1962, § 2-57)

Charter reference(s)—Similar provisions, § 3-5.

### **Sec. 2-78. Sale of personal property generally.**

Unless otherwise provided or prohibited, the City Manager is authorized to sell personal property belonging to the city, other than that mentioned in section 2-79. Any personal property sold pursuant to this section shall not be in competition with the private sector, except in emergencies or unless authorized by the Council. The City Manager may delegate such authority and establish such rules and procedures as he deems necessary for the administration of personal property sales pursuant to this section.

(Ord. No. 82-12.4, 12-14-82)

### **Sec. 2-79. Sale or disposal of surplus personal property.**

Unless otherwise provided or prohibited, the City Manager is authorized to sell or dispose of personal property which has been declared as surplus to the needs of the City. All sales pursuant to this section shall be sold on the basis of competitive bids, wherever feasible, to obtain the highest price. The City Manager may delegate such authority and establish such rules and procedures as he deems necessary for the administration of personal property sales pursuant to this section.

(Ord. No. 82-12.4, 12-14-82)

### **Sec. 2-80. Emergency powers.**

- (a)—The City Manager is authorized and empowered to impose curfew regulations covering the entire City, when it appears that such restriction is necessary to preserve the peace and good order of the City.
- (b)—The City Manager is authorized to close any and all public buildings of the City, when such restriction appears necessary to preserve property, the safety of individuals or the peace and good order of the City.

(Code 1962, § 2-58.1)

### **Sec. 2-81. Assistants.**

The City Manager shall appoint such assistants as are authorized by the Council, whose official title shall be Assistant City Manager. Such assistants may also serve as the head of a department. They shall have such other duties as may be prescribed by the City Manager.

(Code 1962, § 2-59; Ord. No. 96-6.5, § 1, 6-4-96; Ord. No. 98-11.11, 11-5-98)

Charter reference(s)—Designation of acting City Manager, § 3-2.

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**Sec. 2-82. Deputies.**

(a) The City Manager shall appoint such deputies as are authorized by the Council, whose official title shall be Deputy City Manager. Such deputies may also serve as the head of a department. They shall have such other duties as may be prescribed by the City Manager.

(b) The City Manager may designate a Deputy City Manager to perform the Manager's duties during his absence or disability.

(Ord. No. 96-6.5, § 4, 6-4-96)

**Secs. 2-83—2-92. Reserved.**

***ARTICLE IV. CITY TREASURER<sup>5</sup>***

**Sec. 2-93. Credit and disbursement of City funds.**

(a) All taxes, levies or other sums of money of whatever nature collected by the City Treasurer or by any department of the City shall be credited by the Treasurer on his books as being received from the particular sources and shall be paid out by him upon vouchers or checks issued by the Director of Finance and countersigned by the City Treasurer, except water, gas and electric consumer deposit fund checks and imprest cash funds checks, which need be signed only by the Director of Finance or a person designated in writing by him.

(b) The signatures of the City Treasurer and the Director of Finance may be affixed to checks by means of a mechanical check signer. Any bank designated as a City depository is hereby authorized and directed to honor such checks in the same manner as if the same were signed on behalf of the City by such officers in the usual way.

(Code 1962, § 9-18)

**Sec. 2-94. Credit and disbursement of school funds.**

All taxes, levies and other sums received by the City Treasurer for public school purposes shall be credited by the Treasurer on his books to the order of the School Board of the City and shall be paid out by him on order of the Board specifying for what particular purpose such money is to be used. Such orders or warrants shall be signed by the Clerk of the Board and countersigned by the Chairman thereof. All such moneys shall be deposited to the credit of the School Board of the City.

(Code 1962, § 9-19)

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<sup>5</sup>Charter reference(s)—City Treasurer, § 8-2.

Cross reference(s)—City Treasurer to be custodian of retirement system assets, § 32-38.

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**Sec. 2-95. Inspection of Treasurer's books and accounts; delivery to successor.**

The books and accounts of the City Treasurer and all papers relating to the accounts and transactions of the City shall be at all times subject to the inspection of the City Manager, the Director of Finance, the City Attorney and such other persons as the Council may appoint to examine the same. All such books and accounts, together with any balance or money on hand, shall be transferred by the Treasurer to his successor in office or delivered up as the Council may at any time require.

(Code 1962, § 9-15)

**Sec. 2-96. Monthly reports to Director of Finance.**

The City Treasurer shall, on or before the fifth day of each month, render an account to the Director of Finance showing the state of the treasury on the last day of the previous month and the balance of money on hand at that time. He shall also, if required so to do by the Director of Finance, accompany such account with a statement of all money received by him and on what account, with a list of all checks paid by him during the month then closed, and shall furnish such other information, accounts and statements as the Director of Finance may direct.

(Code 1962, § 9-16)

**Sec. 2-97. Annual accounting.**

The City Treasurer shall annually, when requested by the Director of Finance, submit to him, within fifteen (15) days after the close of the fiscal year, a full and detailed account of all receipts and disbursements made during the fiscal year just closed.

(Code 1962, § 9-17)

**Secs. 2-98—2-108. Reserved.**

***ARTICLE V. CITY ATTORNEY<sup>6</sup>***

**Sec. 2-109. Defense of interest of City and City officers.**

In addition to the duties prescribed by the Charter, the City Attorney shall appear and defend and advocate the interests of the City or any of the officers thereof in any suit or prosecution, for any act in the discharge of their official duties, wherein any estate, right, privilege, ordinance, resolution or act of the City or the City government may be brought into question; provided, however, that in any legal proceeding to which any member of the Council or any officer or employee of the City or any member of any board or commission appointed by the Council is a defendant, when such proceeding is instituted against him by virtue of any actions in furtherance of his duties or service as such member, officer or employee, the City shall employ legal counsel approved by the Council to defend him in such proceeding and shall pay, out of funds provided therefor by the Council, all costs and expenses of, and any settlement agreed upon or judgment rendered in, such proceeding so defended.

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<sup>6</sup>Charter reference(s)—City Attorney, Ch. 5.

Cross reference(s)—City Attorney to be legal advisor to Retirement System Board of Trustees, § 32-34.

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(Code 1962, §§ 2-45.3, 2-46)

**Sec. 2-110. Duties as advisor to School Board.**

In addition to his other duties, the City Attorney shall be the legal advisor of and generally represent the School Board of the City in all matters affecting the interests of the School Board and shall, upon request, furnish a written opinion on any question of law involving the Board or its employees. In addition, the City Attorney shall, upon request, draw or approve all deeds, leases, contracts, bonds or other instruments to which the School Board is a party or in which it has an interest.

(Code 1962, § 2-46.1)

**Sec. 2-111. Annual report.**

At the close of each fiscal year, the City Attorney shall prepare and deliver to the City Manager a report of the state and condition of all the civil cases handled by him during the preceding fiscal year, which report shall show in detail the amounts involved. It shall also show the state and condition of all the civil cases pending in which the City is interested.

(Code 1962, § 2-47)

**Sec. 2-112. Settlement of claims.**

- (a) ~~The City Attorney is authorized to adjust, settle, compromise or submit to arbitration any action, causes of action, accounts, debts, claims or demands of any kind against the City or in which the City is concerned as debtor or creditor, now existing or which may hereafter arise, for which the City does not have liability insurance coverage and which do not involve or require payment to exceed one thousand dollars (\$1,000.00) per claim or demand and, with the approval of the City Manager, may do likewise in matters not involving or requiring payment to exceed ten thousand dollars (\$10,000.00) per claim or demand, provided in either instance the Director of Finance shall certify that the funds to settle such claims have been appropriated and are available therefor.~~
- (b) ~~The City Attorney, with the approval of the City Manager, is also authorized to settle, compromise or submit to arbitration any action, causes of action, accounts, debts, claims or demands of any kind which the City may have against any person when the total amount claimed is fifteen thousand dollars (\$15,000.00) or less.~~
- (c) ~~In all other such matters involving the payment of money by or to the City, the City Attorney is directed to bring the matter to the attention of the Council in executive session for its consideration.~~

(Ord. No. 86-1.11, 1-7-86)

**Sec. 2-113. Employment of legal counsel.**

- (a) ~~The City Attorney shall be the only City employee authorized to employ legal counsel outside the City Attorney's office to represent the City. The City Attorney shall obtain consent of the City Council or, in cases of emergency, the consent of the Mayor or Vice Mayor prior to employment of legal counsel outside the City Attorney's office. The sole exception to the policy stated in this Code section is that City Council consent is not required when legal counsel is provided as a part of the coverage under one of the City's insurance policies.~~

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(b) ~~The City Attorney shall review and approve all bills submitted by outside legal counsel prior to payment by the City, except for those bills submitted by outside legal counsel employed pursuant to coverage under one of the City's insurance policies.~~

~~(Ord. No. 98-08.11, 8-4-98)~~

**~~Secs. 2-114—2-122. Reserved.~~**

## **~~ARTICLE VI. CITY DEPARTMENTS~~**

### **~~DIVISION 1. GENERALLY~~**

**~~Sec. 2-123. Established and designated.~~**

~~There are hereby established and designated the following departments of the City Government:~~

~~(1) Human Services.~~

~~(2) Finance.~~

~~(3) Utilities.~~

~~(4) Police.~~

~~(5) Fire.~~

~~(6) Public Works.~~

~~(7) Community Development.~~

~~(8) Transportation Services.~~

~~(9) Management Information Systems.~~

~~(10) Human Resources.~~

~~(11) Parks and Recreation.~~

~~(Ord. No. 82-7.6, 7-13-82; Ord. No. 86-1.4, 1-7-86; Ord. No. 91-6.10, § 1, 6-4-91; Ord. No. 93-5.24, § 1, 5-18-93; Ord. No. 95-6.16, § 1, 6-6-95; Ord. No. 96-4.1, § 1, 4-2-96; Ord. No. 96-6.5, § 2, 6-4-96; Ord. No. 97-4.8, § 1, 4-1-97; Ord. No. 98-01.03, § 1, 1-6-98; 2001-05.07, § 2, 5-15-01; Ord. No. 2014-06.08, 6-17-14)~~

~~Charter reference(s)—Authority of Council to create departments, § 2-18; departments to be created by ordinance, § 2-15.~~

**~~Sec. 2-124. Composition.~~**

~~Each department of City government shall consist of a director and such other officers and employees, organized into such units or divisions, as may be provided by ordinance or by the orders of the director, with the approval of the City Manager.~~

~~(Code 1962, § 2-61; Ord. No. 82-7.6, 7-13-82)~~

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**Sec. 2-125. Directors generally.**

Each department established and designated by section 2-123 shall be under the direction and supervision of a department director whose title and duties generally shall be as set forth in the position classification and pay plan of the City, as approved and amended from time to time by the Council.

(Ord. No. 82-7.6, 7-13-82; Ord. No. 86-1.4, 1-7-86)

**Sec. 2-126. General powers and duties of directors.**

The director of each department of City government shall perform such duties as may be prescribed by ordinance or resolution of the Council and such other duties relating to his department as may be required of him by the City Manager. Except as otherwise provided by the Charter or this Code or other ordinance, he shall appoint and remove, subject to the approval of the City Manager, all officers and employees of the department and shall have power to make rules and regulations, by and with the consent of the City Manager and consistent with the Charter and the ordinances of the City, for the conduct of its business.

(Code 1962, § 2-63; Ord. No. 82-7.6, 7-13-82)

**Sec. 2-127. Division directors generally.**

Each division of a City department shall be under the direction and supervision of a division director whose title and duties generally shall be as set forth in the position classification and pay plan of the City, as approved and amended from time to time by the Council.

(Ord. No. 82-7.6, 7-13-82)

**Sec. 2-128. Division directors to report to City Manager in case of vacancy in office of department director.**

In the event the position of director of a department is vacant, the division directors of that department shall report directly to the City Manager until such time as an acting or permanent department director is appointed.

(Ord. No. 82-7.6, 7-13-82)

**Secs. 2-129—2-134. Reserved.**

***DIVISION 2. DEPARTMENT OF HUMAN SERVICES***

**Sec. 2-135. Divisions established.**

The Department of Human Services shall consist of the following divisions:

- (1) Library.
- (2) Adult Detention.
- (3) Juvenile Detention.
- (4) Social Service.

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(5)—Virginia Polytechnic Institute Extension Service.

(6)—Office on Youth.

(Ord. No. 82-7.6, 7-13-82; Ord. No. 91-6.10, § 2, 6-4-91; Ord. No. 2001-05.07, § 3, 5-15-01)

Cross reference(s)—Library, Ch. 19; parks and recreation, Ch. 25; prisoners, Ch. 29; employee of Division of Parks and Recreation to be designated as Clerk of the Market, § 11-1.

### **Sec. 2-136. Division and Director of Social Services.**

In accordance with section 63.1-43 of the Code of Virginia, the City's Department of Public Welfare is designated as the Division of Social Services. The Director of the Department of Human Services shall be the Director of Social Services and the Director of Social Services shall constitute the local board of social services which shall be denominated as the Danville Social Services Board.

(Ord. No. 84-12.4, 12-4-84)

State law reference(s)—Authority to designate director as local board of social services, Code of Virginia, § 63.1-43.

### **Secs. 2-137—2-142. Reserved.**

## ***DIVISION 3. DEPARTMENT OF FINANCE<sup>7</sup>***

### **Sec. 2-143. Divisions established.**

The Department of Finance shall consist of the following divisions:

(1)—Accounting.

(2)—Central Collections.

(3)—Real Estate Assessment.

(4)—Purchasing.

(Ord. No. 82-7.6, 7-13-82; Ord. No. 91-6.10, § 3, 6-4-91; Ord. No. 97-4.8, § 2, 4-1-97)

Charter reference(s)—Assessor of real estate for taxation, § 8-4; office or division of central collections, § 8-5.

Cross reference(s)—Procurement code, Ch. 30; assessment of real estate, § 37-45 et seq.

### **Sec. 2-144. Reporting, auditing, etc., of financial accounts.**

The Director of Finance shall require proper fiscal accounts, records, statements and reports to be made to his office by the several departments, officers and employees of the City and shall control and audit the same. The form and system of all such accounts, bookkeeping and financial reporting shall be prescribed or approved by the Director of Finance and it shall be the duty of all City officers and employees to use such systems of accounting, bookkeeping and reporting as the Director of Finance may direct. Whenever practicable, the books or financial account of any department or office shall be kept in the office of the Director of Finance.

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<sup>7</sup>Charter reference(s)—Finance generally, Ch. 8.

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(Code 1962, § 2-1)

**Sec. 2-145. Payroll checks and information.**

The Director of Finance shall issue salary and payroll checks for officers and employees of the City. It shall be the duty of the directors of the departments of the City government to supply the Director of Finance with information necessary to the proper preparation of the payrolls.

(Code 1962, § 2-2)

**Sec. 2-146. Finance charges on past-due accounts.**

On each account or charge placed with the Division of Central Collections for collection which is not paid when due and on which no penalty, interest or late payment charge is otherwise imposed by ordinance, a finance charge at a rate of ten (10) percent per annum shall be applied each month to the past due amount of such account or charge and required to be paid. An account or charge is considered to be past due if not paid within thirty (30) days after the initial bill or before the next subsequent bill therefor has been rendered, whichever is later. Finance charges shall be collected and accounted for in the same manner as is required or authorized by law for other revenues of the City.

(Code 1962, § 9-30.1; Ord. No. 92-3.10, 3-3-92)

**Secs. 2-147—2-152. Reserved.**

*DIVISION 4. DEPARTMENT OF POWER AND LIGHT*

**Sec. 2-153. Divisions established.**

(a) The Department of Utilities shall consist of the following divisions:

- (1) Power and Light.
- (2) Water and Gas Distribution.
- (3) Water and Wastewater Treatment.
- (4) Customer Service.

(b) Insofar as such terms relate to the furnishing of electric, water, wastewater and gas services to consumers of the City's utility services, the terms "Department," "Department of Utility Services," "Electric Department," "Electric Division," "Water and Gas Distribution Department," "Water and Gas Distribution Division," "Water and Wastewater Treatment Department," "Water and Wastewater Treatment Division," "Customer Service Department" or "Customer Service Division," as used elsewhere in this Code, shall be deemed to refer to the Department of Utilities.

(c) In the event the position of the Utility General Manager is vacant, the Directors of the above Divisions shall report directly to the City Manager, unless an acting Utility General Manager is appointed by the City Manager.

(Ord. No. 95-6.16, § 3, 6-6-95; Ord. No. 98-01.03, § 2, 1-6-98; Ord. No. 2001-05.07, § 4, 5-15-01)

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**Secs. 2-154—2-159. Reserved.**

*~~DIVISION 5. DEPARTMENT OF POLICE~~*

**Sec. 2-160. Divisions established.**

The Police Department shall consist of the following divisions:

(1)—Administrative Services.

(2)—Patrol.

(3)—Investigative.

(Ord. No. 94-10.12, 10-4-94)

**Secs. 2-161—2-167. Reserved.**

*~~DIVISION 6. DEPARTMENT OF PUBLIC WORKS<sup>8</sup>~~*

**Sec. 2-168. Divisions established.**

The Department of Public Works shall consist of the following divisions:

(1)—Sanitation.

(2)—Streets.

(3)—Engineering.

(4)—Buildings and Grounds.

(5)—Administrative.

(Ord. No. 82-7.6, 7-13-82; Ord. No. 84-6.12, 6-5-84; Ord. No. 91-6.10, § 5, 6-4-91)

Cross reference(s)—Motor vehicles and traffic, Ch. 21; sewers, Ch. 34; streets, Ch. 35.

**Sec. 2-169. Appointment and term of director.**

The director of the Department of Public Works shall be appointed by the City Manager for an indefinite term.

(Ord. No. 91-6.10, § 7, 6-4-91)

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<sup>8</sup>Cross reference(s)—Powers and duties of Director of Public Works relative to cemeteries, § 10-14 et seq.; Director of Public Works to have supervision of collection and disposal of garbage and refuse, § 17-3.

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**Sec. 2-170. General duties of director.**

(a) ~~The Director of Public Works shall have charge of the making and preservation of all surveys, maps, plans and drawings, and all engineering records pertaining to the City; furnish engineering services to all departments of the City government, including public schools and the Danville Redevelopment and Housing Authority, upon request from same. He shall prepare estimates of the costs on all major public works projects. He shall have control of the design and planning of streets, public buildings, and all other engineering services as may from time to time be required of his department. He shall require the City Engineer to approve all subdivision plat maps subject to final approval of Council.~~

(b) ~~The Director of Public Works shall require the City Engineer to attend meetings of the Planning Commission of the City when so requested by the City Manager or Chairman of the Planning Commission. He shall further require him to prepare all such studies, plans, and surveys as may be required by the Planning Commission.~~

~~(Ord. No. 91-6.10, § 7, 6-4-91)~~

**Sec. 2-171. City Engineer.**

~~The Director of the Division of Engineering in the Department of Public Works shall be the City Engineer. He shall be, by profession, an engineer who has had experience in the field of engineering.~~

~~(Ord. No. 91-6.10, § 7, 6-4-91)~~

**Secs. 2-172—2-174. Reserved.**

*DIVISION 7. DEPARTMENT OF COMMUNITY DEVELOPMENT*

**Sec. 2-175. Divisions established.**

~~The Department of Community Development shall consist of the following divisions:~~

~~(1) Inspections.~~

~~(2) Planning.~~

~~(3) Housing and Development.~~

~~(Ord. No. 82-7.6, 7-13-82; Ord. No. 91-6.10, § 6, 6-4-91)~~

~~Cross reference(s)—Division of Inspections and Director thereof designated as Building Department and Building Official, respectively, for enforcement of building code, § 9-52.~~

**Sec. 2-176. Appointment and term of director.**

~~The Director of Community Development shall be appointed by the City Manager for an indefinite term.~~

~~(Code 1962, § 2-63; Ord. No. 82-7.6, 7-13-82; Ord. No. 86-3.7, 3-4-86; Ord. No. 91-6.10, § 6, 6-4-91)~~

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**Sec. 2-177. General duties of director.**

- (a) ~~The Director of Community Development shall oversee all functions of the Department, including the Divisions of Planning, Inspections, and Housing and Development. He shall be the Code official responsible for the administration and enforcement of Volume II—Building Maintenance Code of the Virginia Uniform Statewide Building Code.~~
- (b) ~~The Director of Community Development shall require the Planning Division Director to attend meetings of the Planning Commission of the City when so requested by the City Manager or Chairman of the Planning Commission. He shall further require him to prepare all such studies, plans and surveys as may be required by the Planning Commission.~~

~~(Code 1962, § 2-64; Ord. No. 82-7.6, 7-13-82; Ord. No. 86-3.7, 3-4-86; Ord. No. 86-11.2, 11-6-86; Ord. No. 91-6.10, § 6, 6-4-91; Ord. No. 92-8.5, § 1, 8-4-92)~~

**Sec. 2-178. Reserved.**

Editor's note(s)—Section 8 of Ordinance No. 91-6.10, adopted June 4, 1991, repealed § 2-178. Formerly, such section pertained to the city engineer and derived from § 2-62 of the 1962 Code; Ord. No. 82-7.6, adopted July 13, 1982; and Ord. No. 86-3.7, adopted March 4, 1986. Similar provisions to § 2-178 are located in § 2-171 of the Code.

~~**DIVISION 8. FIRE DEPARTMENT, EMERGENCY MANAGEMENT, AND EMERGENCY COMMUNICATIONS<sup>9</sup>**~~

**Sec. 2-179. Divisions established.**

The Fire Department shall consist of the following divisions:

- (1) ~~Fire.~~
- (2) ~~Emergency Management.~~
- (3) ~~Emergency Communications.~~

~~(Ord. No. 2014-06.08, 6-17-14)~~

~~**DIVISION 9. DEPARTMENT OF TRANSPORTATION SERVICES**~~

**Sec. 2-180. Divisions established.**

The Department of Transportation Services shall consist of the following divisions:

- (1) ~~Airport.~~

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<sup>9</sup>Editor's note(s)—Ord. No. 2014-06.08, adopted June 17, 2014, amended Div. 8 in its entirety to read as set out herein. Former Div. 8 pertained to Department of Emergency Services and Communications and derived from Ord. No. 96-4.2, § 1, adopted April 2, 1996.

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(2)—Mass Transit.

(Ord. No. 96-4.2, § 1, 4-2-96)

**Secs. 2-181—2-184. Reserved.**

**ARTICLE VII. PLANNING COMMISSION<sup>40</sup>**

**Sec. 2-185. Created; designation.**

Pursuant to chapter 11 of title 15.2 (§ 15.2-2200 et seq.) of the Code of Virginia, there is hereby created a Planning Commission, which is designated as the City Planning Commission.

(Code 1962, § 19-1; Ord. No. 98-06.39, § 2, 6-16-98)

State law reference(s)—Duty of council to create planning commission, Code of Virginia, § 15.2-2210.

**Sec. 2-186. Composition; appointment and qualifications of members.**

The Planning Commission shall consist of seven (7) members appointed by the Council, all of whom shall be residents of the City, qualified by knowledge and experience to make decisions on questions of community growth and development. At least one-half of the members so appointed shall be freeholders. In addition, the City Manager shall be an ex officio member of the Commission, without the right to vote or to serve as an officer of the Commission. Members of the Commission shall be eligible for reappointment as such.

(Code 1962, § 19-2)

State law reference(s)—Similar provisions, Code of Virginia, § 15.2-2212.

**Sec. 2-187. Terms of members; filling of vacancies.**

One member of the Planning Commission shall be appointed for a term expiring December 31, 1978, two (2) members shall be appointed for terms expiring December 31, 1979, two (2) members for terms expiring December 31, 1980, and two (2) members for terms expiring December 31, 1981. Subsequent appointments shall be for terms of four (4) years each. Vacancies in the Commission shall be filled by appointment by the Council for the unexpired term only.

(Code 1962, § 19-2)

State law reference(s)—Similar provisions, Code of Virginia, § 15.2-2212.

**Sec. 2-188. Oath of members.**

Each appointed member of the Planning Commission shall take an oath of office.

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<sup>40</sup>Cross reference(s)—Planning commission report required prior to action on agreement for reimbursement of subdividers, § 9-130; subdivisions, Ch. 35.5; zoning, Ch. 41.

State law reference(s)—Local planning commissions, Code of Virginia, § 15.2-2210 et seq.

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(Code 1962, § 19-2)

State law reference(s)—Authority for above section, Code of Virginia, § 15.2-2212.

### **Sec. 2-189. Removal of members.**

Members of the Planning Commission may be removed by the Council for malfeasance in office.

(Code 1962, § 19-2)

State law reference(s)—Similar provisions, Code of Virginia, § 15.2-2212.

### **Sec. 2-190. Chairman and Vice-Chairman.**

The Planning Commission, at an organizational meeting to be held in January of each year, shall elect from the appointed members a Chairman and Vice-Chairman, whose terms shall be for one year. No member of the Commission shall be eligible for election as Chairman or Vice-Chairman for more than two (2) consecutive full terms in the same office; provided that any member of the Commission elected as Chairman or Vice-Chairman of the Commission and whose term of office as such has expired and a successor elected shall again be eligible for election to such office after two (2) years have elapsed following the expiration of the member's previous term as such officer.

(Code 1962, § 19-5)

State law reference(s)—Election and term of chairman and vice-chairman, Code of Virginia, § 15.2-2217.

### **Sec. 2-191. Secretary.**

The Director of the Department of Community Development shall designate and appoint a member of the staff of such department to serve as Secretary of the Planning Commission. The Secretary shall be responsible for the preparation and distribution of all notices, agendas, minutes and advertisements of meetings and public hearings of the Commission. He shall keep and maintain the Commission's records and render and perform for the Commission other services and duties usually pertaining to such office.

(Code 1962, § 19-5; Ord. No. 92-8.5, § 2, 8-4-92)

### **Sec. 2-192. Meetings generally.**

The Planning Commission shall fix the time for holding regular meetings, but it shall meet at least every two (2) months. Special meetings of the Commission may be called by the Chairman or by two (2) members upon written request to the Secretary. The Secretary shall mail to all members, at least five (5) days in advance of a special meeting, a written notice fixing the time and place of a meeting and the purpose thereof. Written notice of a special meeting is not required, however, if the time of such special meeting has been fixed at a regular meeting or if all members are present at the special meeting or file a written waiver of notice.

(Code 1962, § 19-3)

State law reference(s)—Similar provisions, Code of Virginia, § 15.2-2214.

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**Sec. 2-193. Quorum; majority vote.**

A majority of the appointed members of the Planning Commission shall constitute a quorum and no action of the Commission shall be valid unless authorized by the majority vote of those present and voting.

(Code 1962, § 19-4)

State law reference(s)—Similar provisions, Code of Virginia, § 15.2-2215.

**Sec. 2-194. General powers and duties.**

(a)—The Planning Commission shall have the powers and duties prescribed for local planning commissions by the general law of the Commonwealth, particularly those provided for in chapter 11 of title 15.2 (§ 15.2-2200 et seq.) of the Code of Virginia.

(b)—The Planning Commission, its members, officers and employees, in the performance of their duties, may enter upon any land in the City and make examinations and surveys and place and maintain necessary monuments and markers thereon.

(c)—In general, the Planning Commission shall have such powers as may be necessary to enable it to fulfill its function and promote planning and shall be vested with all the powers and charged with all the duties provided for in this article.

(Code 1962, § 19-24; Ord. No. 98-06.39, § 2, 6-16-98)

**Sec. 2-195. Appointment of employees; contracts with consultants; limitation on expenditures.**

(a)—The Planning Commission shall appoint such employees as it may deem necessary for its work and may contract with planners, engineers, architects, legal counsel and other consultants for such services as it may from time to time require in the performance of its duties.

(b)—The expenditures of the Planning Commission, exclusive of gifts or grants, shall not exceed the sums appropriated therefor by the Council.

(Code 1962, § 19-5)

State law reference(s)—Authority for subsection (a) and provisions similar to subsection (b), Code of Virginia, § 15.2-2217.

**Sec. 2-196. Rules and records.**

The Planning Commission shall adopt rules for the transaction of its business and shall keep a record of its transactions, which shall be a public record.

(Code 1962, § 19-5)

State law reference(s)—Similar provisions, Code of Virginia, § 15.2-2217.

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### **Sec. 2-197. Duties with respect to building permits.**

The Planning Commission shall consider applications for building permits referred to it by the Building Official to balance the public and private rights involved and shall report, in writing, to the Building Official whether or not it is in the public interest that such permit be granted.

(Code 1962, § 19-6)

Cross-reference(s)—Building regulations, Ch. 9; Building Official designated, § 9-52.

### **Sec. 2-198. General powers and duties with respect to comprehensive plan.**

(a)—The Planning Commission shall have power to promote public interest in and understanding of the City's comprehensive plan, and to that end, may publish and distribute copies of the plan, or any report relating thereto, and may employ such other means of publicity in education as it may determine.

(b)—The Planning Commission shall consult and advise with public officials and agencies, with public utility companies, with civic, educational, professional or other organizations and with citizens with relation to the protection and carrying out of the comprehensive plan. All public officials shall, upon request, furnish to the commission, within a reasonable time, such available information as it may require for its work.

(Code 1962, § 19-24)

State law reference(s)—The comprehensive plan and powers and duties of planning commission with respect thereto, Code of Virginia, § 15.2-2223 et seq.

### **Sec. 2-199. Duties in connection with subdivision plats; variances from comprehensive plan.**

(a)—Upon request of the City Engineer, the Planning Commission shall consider any plat of a proposed subdivision of property into lots submitted to it by the City Engineer and advise the City Engineer whether such plat conforms to the adopted comprehensive plan, for the purpose of assisting the City Engineer to carry out the duties imposed on him by the subdivision ordinance of the City.

(b)—When a tract of land to be subdivided is of such unusual size or shape or is surrounded by such development or unusual conditions that the strict application of the requirements contained in the comprehensive plan would result in real difficulties or substantial hardship or injustice, the Council, after report by the Planning Commission, may vary or modify such requirements so that the subdivider may develop the property in question in a reasonable manner, but so that, at the same time, the public welfare and interests of the City are protected and the general intent and spirit of the comprehensive plan are preserved.

(Code 1962, § 19-26)

Cross-reference(s)—Subdivisions, Ch. 35.5.

State law reference(s)—Land subdivision and development, Code of Virginia, § 15.2-2240 et seq.

### **Sec. 2-200. Preparation of zoning plan and revisions thereto.**

It shall be the duty of the Planning Commission to prepare and submit to the Council a comprehensive zoning plan and, from time to time, prepare and submit such changes in or revisions of such plan as change in conditions may make necessary.

(Code 1962, § 19-25)

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Cross reference(s)—Zoning, Ch. 41.

State law reference(s)—Zoning, Code of Virginia, § 15.2-2280 et seq.

**~~Sec. 2-201. Petitions or applications for rezoning, special exception permits or zoning text amendments.~~**

(a)—Property owners desiring rezoning of property or a special exception permit for use thereof or an amendment to the zoning ordinance text shall file with the Secretary of the Planning Commission an application or petition addressed to the Commission or to the Council stating the nature of the zoning district map amendment, zoning ordinance text amendment or special exception permit desired, which application shall be accompanied by a fee established by the City Council. No such application or petition shall be processed until the fee has been paid and the fee will not be refundable. The fee must be paid with each application or petition notwithstanding the fact that a prior application or petition pertaining to the same property has been disapproved. The fee shall not be charged for an application filed by or on behalf of the City or any of its agencies.

(b)—All applications and petitions filed pursuant to this Section shall be reviewed by the Director of Community Development and referred by the Secretary of the Planning Commission, on behalf of the Council, to the Planning Commission for its consideration and recommendation to the Council in accordance with the provisions of sections 15.2-2204 and 15.2-2285 of the Code of Virginia.

(Code 1962, § 19-28; Ord. No. 84-6.7, 6-5-84; Ord. No. 87-9.11, 9-29-87; Ord. No. 92-8.5, § 2, 8-4-92; Ord. No. 98-06.39, § 2, 6-16-98)

Editor's note(s)—Ordinance No. 84-11.5, adopted November 8, 1984, exempts real estate within the Urban Enterprise Zone from the fee prescribed in subsection (a) above.

**~~Sec. 2-202. Assistance from City departments.~~**

Upon request of the Planning Commission, the City Manager may, from time to time, for the purpose of special surveys under the direction of the Planning Commission, assign or detail to it any members of the staffs of the administrative departments of the City, or the City Manager may direct any such department employee to make for the Planning Commission special surveys or studies requested by the Commission. In addition, the Department of Community Development shall provide to the Planning Commission such other information, materials and assistance as may be required and requested by the Commission in the performance of its duties.

(Code 1962, § 19-5; Ord. No. 92-8.5, § 2, 8-4-92)

State law reference(s)—Similar provisions, Code of Virginia, § 15.2-2217.

**~~Secs. 2-203—2-213. Reserved.~~**

***ARTICLE VIII. TRANSPORTATION SAFETY COMMISSION<sup>11</sup>***

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<sup>11</sup>Cross reference(s)—Motor vehicles and traffic, Ch. 21; vehicles for hire, Ch. 39.

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**Sec. 2-214. Definition.**

As used in this article, the word "Commission" shall mean the Danville Transportation Safety Commission.

**Sec. 2-215. Created; name.**

There is hereby created a local transportation safety commission to be known as the Danville Transportation Safety Commission.

(Code 1962, § 13.1-1)

**Sec. 2-216. Composition; appointment and terms of members.**

The Commission shall consist of eighteen (18) members appointed by the Council, one of whom shall be a member of the Council. In addition, the Captain of the Danville Life Saving and First Aid Crew, Inc., shall serve as an ex officio member of the Commission, with the right to vote and to hold office therein. The term of the Council member shall be coextensive with the member's councilmanic term of office. The term of the Captain of the Danville Life Saving and First Aid Crew, Inc., shall be coextensive with the member's term of office as such Captain. Of the remaining members, initially six (6) shall be appointed for a term of three (3) years, six (6) for a term of two (2) years, and five (5) for a term of one year. Thereafter such appointments shall be for a term of three (3) years each. Any vacancy occurring in the membership of the Commission, other than that of the member of the Council and the Captain of the Danville Life Saving and First Aid Crew, Inc., shall be filled by the Council for the unexpired term only.

(Code 1962, § 13.1-2)

**Sec. 2-217. Election and terms of officers.**

The Commission shall elect from its membership a Chairman, a Vice Chairman and a Secretary, whose terms of office shall be for two (2) years and who shall be eligible for re-election, except that no member shall serve as Chairman for more than eight (8) years.

(Code 1962, § 13.1-5)

**Sec. 2-218. Meetings generally.**

The Commission shall fix the time for holding regular meetings, but it shall meet at least four (4) times per year. Special meetings of the Commission may be called by the Chairman or by three (3) members upon request to the Secretary. Reasonable notice of such special meeting shall be given by the Secretary to all members.

(Code 1962, § 13.1-3)

**Sec. 2-219. Quorum; majority vote.**

A majority of the members of the Commission shall constitute a quorum and no action of the Commission shall be valid unless authorized by majority vote of those present.

(Code 1962, § 13.1-4)

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**Sec. 2-220. Transportation safety program.**

(a) The Commission shall be charged with the responsibility of preparing and recommending to the Council plans for the formulation of a transportation safety program for the City and thereafter with the responsibility of periodic review of the operation and effect of such program.

(b) The Commission shall investigate, evaluate and promote the safe movement of people and property within the City by all modes of transportation and shall prepare and submit to the Council a comprehensive program for transportation safety within the City. The program shall include, in addition to such matters as the Council may require, material on the status of, need for and means to provide within the City driver education and driver improvement courses for adults and out-of-school youths and identification of accident-prone locations within the City's jurisdiction in cooperation with agencies of the Commonwealth.

(Code 1962, § 13.1-6)

**Secs. 2-221—2-231. Reserved.**

***ARTICLE IX. SOCIAL SERVICES ADVISORY BOARD***

**Sec. 2-232. Definition.**

As used in this article, the term "Board" means the Social Services Advisory Board created by this article.

**Sec. 2-233. Created.**

There is hereby created a Social Services Advisory Board for the City.

State law reference(s)—Duty to create the board provided for in this article, Code of Virginia, § 63.1-43.1.

**Sec. 2-234. Composition; appointment of members.**

The Board shall consist of seven (7) members who shall be appointed by the Council. The Director of Human Services shall be an ex-officio member, without any voting privileges.

State law reference(s)—Similar provisions, Code of Virginia, § 63.1-43.1.

**Sec. 2-235. Terms of members; limitation on service.**

(a) Initially, members of the Board shall be appointed for staggered terms. Thereafter, members shall be appointed for terms of four (4) years each, except that appointments to fill vacancies shall be for the unexpired terms.

(b) No person shall serve as a member of the Board for more than two (2) consecutive terms.

State law reference(s)—Similar provisions, Code of Virginia, § 63.1-43.1.

**Sec. 2-236. Election of Chairman and Vice-Chairman; quorum.**

The Board shall elect its own Chairman. The Board shall elect its own Vice-Chairman should it deem such necessary. A majority of the members of the Board shall constitute a quorum for the transaction of business.

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State law reference(s)—Election of chairman, Code of Virginia, § 63.1-43.1.

**Sec. 2-237. Meetings.**

The Board shall meet at least bimonthly. In addition to regularly scheduled meetings, the Board may meet at the call of the Chairman or on petition of one-half of its members.

State law reference(s)—Similar provisions, Code of Virginia, § 63.1-43.1.

**Sec. 2-238. General function.**

The Board shall act in an advisory capacity to the Director of Human Services with respect to the duties and functions imposed upon him by title 63.1 of the Code of Virginia.

State law reference(s)—Similar provisions, Code of Virginia, § 63.1-43.1.

**Sec. 2-239. Powers and duties.**

The powers and duties of the Board shall be as enumerated in section 63.1-43.1 of the Code of Virginia.

**Secs. 2-240—2-250. Reserved.**

***ARTICLE X. EMERGENCY SERVICES MANAGEMENT AGENCY<sup>12</sup>***

**Sec. 2-251. Created; Director designated; appointment of Coordinator.**

In accordance with section 44-146.19 of the Code of Virginia, an Agency of Emergency Management is hereby created for and within the City. The City Manager shall be the Director of Emergency Management. A Coordinator may be appointed by the Director, with the consent of the Council.

(Ord. No. 2014-06.08, 6-17-14)

State law reference(s)—Similar provisions, Code of Virginia, § 44-146.19.

**Sec. 2-252. General powers and duties of Director.**

- (a)—In collaboration with other public and private agencies within the Commonwealth or within an adjacent state, the Director of Emergency Management may develop or cause to be developed mutual aid arrangements for reciprocal assistance in case of a disaster too great to be dealt with unassisted.
- (b)—The Director of Emergency Management shall prepare and keep current a local or interjurisdictional emergency plan for the area. The plan shall include, but not be limited to, responsibilities of all local agencies and shall establish a chain of command.

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<sup>12</sup>Editor's note(s)—Ord. No. 2014-06.08, adopted June 17, 2014, amended Art. X in its entirety to read as set out herein. Former Art. X, §§ 2-251—2-253, pertained to emergency agency service and derived from the Code of 1986.

State law reference(s)—Virginia Emergency Services and Disaster Law, Code of Virginia, § 44-146.13 et seq.

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(Ord. No. 2014-06.08, 6-17-14)

State law reference(s)—Similar provisions, Code of Virginia, § 44-146.19.

**Sec. 2-253. Declaration of emergencies.**

A local emergency may be declared by the Director of Emergency Management, with the consent of the Council. In the event the Council cannot convene due to the disaster, the Director or any member of the Council, in the absence of the Director, may declare the existence of a local disaster, subject to confirmation by the Council at a special meeting within five (5) days of the declaration. The Council, when in its judgment all emergency actions have been taken, shall take appropriate action to end the declared emergency.

(Ord. No. 2014-06.08, 6-17-14)

State law reference(s)—Similar provisions and effect of such declaration, Code of Virginia, § 44-146.21.

**Secs. 2-254—2-264. Reserved.**

***ARTICLE XI. UTILITY COMMISSION<sup>13</sup>***

**Sec. 2-265. Establishment; designation.**

There is hereby established a Utility Commission to be known as the "Danville Utility Commission."

(Ord. No. 99-02.07, 2-2-99)

**Sec. 2-266. Definition.**

As used in this article and elsewhere in this Code, the phrase "Utility Commission" shall mean the Danville Utility Commission.

(Ord. No. 99-02.07, 2-2-99)

**Sec. 2-267. Composition; appointment and qualifications of members of Utility Commission.**

The Utility Commission shall consist of eight (8) members, seven (7) members appointed by City Council plus the City Manager or Acting City Manager. Of the seven (7) members appointed by Council, at least one (1) member shall be a customer of the utility system from outside the limits of the City of Danville, at least four (4) members shall be citizens of the City of Danville and one (1) member shall be an at-large customer of the utility system. An active member of City Council shall also be appointed as an ex-officio non-voting member of the Utility Commission and one (1) ex-officio non-voting member, who shall be an active member of the Pittsylvania County Board of Supervisors, appointed by the Board of Supervisors and a customer of the utility system, shall be

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<sup>13</sup>Editor's note(s)—Prior to its reenactment by Ord. No. 99-02.07, Art. XI, §§ 2-265—2-276, was repealed in its entirety by Ord. No. 95-7.5, adopted July 6, 1996. Such sections pertained to the commission for youth and children and youth services and derived from Ord. No. 88-1.4, adopted Jan. 19, 1988; Ord. No. 89-10.11, adopted Oct. 5, 1989; Ord. No. 91-6.12, adopted June 4, 1991; Ord. No. 91-8.14, adopted Aug. 20, 1991; and Ord. No. 91-12.8, adopted Dec. 17, 1991.

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appointed by the Board of Supervisors. City Council is encouraged to consider some members with backgrounds in the areas of finance, engineering, development and/or industrial management.

(Ord. No. 99-02.07, 2-2-99; Ord. No. 2021-03.06, (Att.), 3-2-21)

### **Sec. 2-268. Terms of members; filling of vacancies.**

The initial term of the ex-officio, non-voting City Council member, the at-large customer member and the member appointed from outside the City limits of Danville shall be for one (1) year. The initial term of two (2) citizen members shall be two (2) years. The initial term of the remaining two (2) members shall be three (3) years. Thereafter such appointments shall be for a term of three (3) years each. No appointed member shall serve more than three (3) consecutive terms. A City Council member's term and a Pittsylvania Board of Supervisors member's term shall terminate immediately upon that member no longer being a member of City Council or the Pittsylvania Board of Supervisors, respectively. Any vacancy occurring in the membership of the Utility Commission shall be filled by City Council for the unexpired term only. The terms of all initial members will begin on July 1, 1999. Reappointment or appointment of subsequent members should occur prior to the first day of July each year, but shall not become effective until the first day of July.

(Ord. No. 99-02.07, 2-2-99; Ord. No. 2021-03.06, (Att.), 3-2-21)

### **Sec. 2-269. Oath of members; compliance with Freedom of Information Act; disclosure.**

Each appointed member of the Utility Commission shall take an oath of office and file with the City Clerk any and all financial disclosures required by the Comprehensive Freedom of Information Act.

(Ord. No. 99-02.07, 2-2-99)

### **Sec. 2-270. Removal of members.**

Members of the Utility Commission may be removed by City Council for malfeasance in office.

(Ord. No. 99-02.07, 2-2-99)

### **Sec. 2-271. Chair and Vice-Chairman.**

The Utility Commission, at its inaugural meeting at noon on July 1, 1999, and at its first meeting in July of each year thereafter, shall elect from the appointed members, other than the City Manager, the ex-officio appointed City Council member, or the ex-officio appointed Pittsylvania Board of Supervisors member, a Chairman and Vice-Chairman whose terms shall be from the date of appointment through the first meeting in July of the following year. No member of the Utility Commission shall be eligible for election as Chairman or Vice-Chairman for more than three (3) consecutive full terms in the same office.

(Ord. No. 99-02.07, 2-2-99; Ord. No. 2021-03.06, (Att.), 3-2-21)

### **Sec. 2-272. Secretary.**

The General Manager of the Department of Utilities shall designate and appoint a member of the staff of such department to serve as Secretary of the Utility Commission. The Secretary shall be responsible for the preparation and distribution of all notices, agendas, minutes and advertisement of meetings and public hearings of the Utility Commission. The Secretary shall keep and maintain the Utility Commission's records and render and

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perform for the Utility Commission other services and duties usually pertaining to such office. The Secretary shall not have any voting rights.

(Ord. No. 99-02.07, 2-2-99)

### **Sec. 2-273. Legal representation.**

The City Attorney or his designee shall be the legal advisor and counsel to the Utility Commission.

(Ord. No. 99-02.07, 2-2-99)

### **Sec. 2-274. Meetings generally.**

The Utility Commission shall meet on the fourth Monday of each month, unless such Monday falls on a holiday recognized by the City, then the Utility Commission shall meet on the second Monday of that month. Special meetings of the Utility Commission may be called by the Mayor, the Chairman, or by two (2) members upon written request to the Secretary. The Secretary shall mail to all members, at least five (5) days in advance of a special meeting, a written notice setting the time, place and purpose of the special meeting. In case of an emergency, this notice requirement can be waived by a majority vote of the members. An inaugural meeting of the Utility Commission shall be held at noon on July 1, 1999, for the sole purpose of appointing a Chairman and Vice-Chairman.

(Ord. No. 99-02.07, 2-2-99)

### **Sec. 2-275. Quorum; majority vote.**

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

(Ord. No. 99-02.07, 2-2-99)

### **Sec. 2-276. Assistance from City departments; hiring of consultants.**

Upon the request of the Utility Commission, the City Manager may, from time to time, for the purpose of special projects under the direction of the Utility Commission assign or detail to it any members of the staff of the administrative departments of the City; or hire and retain such consultants as the Utility Commission deems necessary within the budgetary limits.

(Ord. No. 99-02.07, 2-2-99)

### **Sec. 2-277. Reimbursement of expenses.**

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

(Ord. No. 99-02.07, 2-2-99)

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**Sec. 2-278. General powers and duties.**

- (a) ~~The Utility Commission shall act as an advisory board to the City Council on the issues of utility consumption rates, suggested Code Amendments, condemnation of public right-of-way and the budget for the Department of Utilities.~~
- (b) ~~The Utility Commission shall act as an advisory board to the City Manager for the purposes of hiring and firing the General Manager of the Department of Utilities.~~
- (c) ~~The Utility Commission shall act as the official action board to determine and establish such policies as non-consumption utility fees, utility extensions, service connection fees and other general service policies not designated to either City Council, the City Manager or the General Manager of the Department of Utilities.~~
- (d) ~~The City Council shall retain all powers, rights and privileges currently set forth in this City Code and may amend the City Code and this article as Council deems necessary to better serve the customers in anticipation of deregulation of electric utilities.~~

~~(Ord. No. 99-02.07, 2-2-99)~~

**Sec. 2-279. Reviewing utility consumption rates.**

~~The Utility Commission may present utility rate studies and the Commission's recommendations for utility consumption rates to City Council for final approval. Prior to City Council adopting any change to utility consumption rates, such changes must be reviewed by the Utility Commission.~~

~~(Ord. No. 99-02.07, 2-2-99)~~

**Sec. 2-280. Amendments to City Code.**

~~The Utility Commission shall review and may recommend amendments to the City Code that affect the operation of the Department of Utilities.~~

~~(Ord. No. 99-02.07, 2-2-99)~~

**Sec. 2-281. Acquisition of right-of-way.**

~~The Utility Commission shall review all requests for acquiring right-of-way by eminent domain for use by the Department of Utilities prior to adoption by City Council.~~

~~(Ord. No. 99-02.07, 2-2-99)~~

**Sec. 2-282. Rules and regulations governing extensions.**

~~The Utility Commission is authorized to make and enforce any rules and regulations governing extensions of the utility system that the Utility Commission deems necessary to ensure the efficient delivery of utility services.~~

~~(Ord. No. 99-02.07, 2-2-99)~~

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**Sec. 2-283. Budget.**

The Utility Commission shall coordinate with the General Manager of the Department of Utilities to prepare and submit to the City Council before the end of the fiscal year an annual budget forecast for the operation of the Utility Department. This budget shall include anticipated expenditures, improvements to the utilities system, contribution to the City's General Fund and requests for any consumption rate changes.

(Ord. No. 99-02.07, 2-2-99)

**Sec. 2-284. General Manager of the Department of Utilities.**

Prior to the hiring or firing of the General Manager of the Department Utilities, the City Manager shall submit such action to the Utility Commission for review. The ultimate authority to hire or fire the General Manager of the Department of Utilities is solely that of the City Manager.

(Ord. No. 99-02.07, 2-2-99)

**Sec. 2-285. Establish rates for non-consumption utility fees.**

The Utility Commission is authorized to establish non-consumption utility fees such as utility connection fees, availability fees, late payment fees, utility extension fees and such other non-consumption service fees as the Utility Commission deems necessary to provide the efficient delivery of utility services. A copy of the schedule of fees shall be kept on file at all times in the Office of the City Clerk.

(Ord. No. 99-02.07, 2-2-99)

**Sec. 2-286. Contracts.**

The Utility Commission has no authority of its own to contract on behalf of the City. All contracts involving the Department of Utilities will be governed by the general policies of the City.

(Ord. No. 99-02.07, 2-2-99)

***ARTICLE XII. REGIONAL INDUSTRIAL FACILITY AUTHORITY<sup>14</sup>***

**Sec. 2-287. Establishment; designation.**

There is hereby established a Regional Industrial Facility Authority to be known as the "Danville-Pittsylvania Regional Industrial Facility Authority".

(Ord. No. 2001-09.06, § 2, 9-18-01)

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<sup>14</sup>Editor's note(s)—Prior to the reenactment of Art. XII by Ord. No. 2001-09.06, Ord. No. 93-8.7, adopted Aug. 3, 1993, repealed Art. XII in its entirety. Formerly, Art. XII consisted of §§ 2-277—2-283, which pertained to the cable television public access channel committee and derived from § 1 of Ord. No. 90-5.6, adopted May 3, 1990.

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**Sec. 2-288. Definitions.**

*Act* shall mean the Regional Industrial Facilities Act, chapter 64 of title 15.2 of the Code of Virginia, 1950, as amended.

*Agreement* shall mean the "Agreement for Cost Sharing and Revenue Sharing between the City of Danville, Virginia and Pittsylvania County, Virginia."

*Authority* shall mean the regional industrial facility authority created hereby by cooperative action of the City of Danville, Virginia, and Pittsylvania County, Virginia and named herein, the "Danville-Pittsylvania Regional Industrial Facility Authority."

*Board of Directors* shall mean the Board of Directors of the Danville-Pittsylvania Regional Industrial Facility Authority.

*Governing Body* shall mean the Board of Supervisors of Pittsylvania County and the City Council of the City of Danville as members of the Authority.

*Member localities* shall mean all members of the Danville-Pittsylvania Regional Industrial Facility Authority, which initially include the City of Danville and Pittsylvania County.

(Ord. No. 2001-09.06, § 2, 9-18-01)

**Sec. 2-289. Creation, name, powers, dissolution and fiscal year.**

(a) There is hereby created, pursuant to the Act and in conjunction with the adoption of a similar ordinance by the Pittsylvania County Board of Supervisors, a political subdivision of the Commonwealth named the "Danville-Pittsylvania Regional Industrial Facility Authority."

(b) The Authority is vested with the powers of a body corporate, including the power to sue and be sued in its own name, plead and be impleaded, and adopt and use a common seal and alter the same as may be deemed expedient. The Authority shall have all rights, duties and powers provided by provision of the Act, and including such powers, rights, and duties as may hereafter be set forth from time to time in the Act.

(c) The Authority may be dissolved by resolution of the Board of Directors in compliance with provisions for dissolution stated in the Act.

(d) The fiscal year for the Authority shall be the same as that of the Commonwealth.

(Ord. No. 2001-09.06, § 2, 9-18-01)

**Sec. 2-290. Purpose.**

The Authority is charged with the specific purpose to develop one (1) or more parcels in both the City and the County as regional industrial parks and for the additional purpose of future development of other industrial properties or other reasons as permitted by the Act and as agreed upon by the member localities.

(Ord. No. 2001-09.06, § 2, 9-18-01)

**Sec. 2-291. Membership.**

The member localities of the Authority are the City of Danville and Pittsylvania County, each of which is a political subdivision of the Commonwealth of Virginia, and each of which is authorized by the Act to participate in

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the Authority. The membership may, with the approval of the Board of Directors, be expanded in compliance with provision for expansion as stated in the Act.

(Ord. No. 2001-09.06, § 2, 9-18-01)

### **Sec. 2-292. Member locality agreement.**

The Authority shall be governed by the Act, this article, and by the agreement executed by the Governing Body of each member locality. The agreement shall establish the respective rights and obligations of the member localities and shall provide for revenue and economic growth-sharing arrangements with respect to tax revenues and other income and revenues generated by any facility owned by the Authority.

(Ord. No. 2001-09.06, § 2, 9-18-01)

### **Sec. 2-293. Board of Directors.**

- (a) ~~The powers, rights, and duties conferred by the Act upon the Authority shall be exercised by a Board of Directors, which shall consist of two (2) members appointed by the Governing Body of each member locality plus one (1) alternate appointed by the Governing Body of each member locality. The number of directors of the Authority may be supplemented by decision of and appointment by the Governing Bodies as permitted by the Act.~~
- (b) ~~Each member locality shall appoint to the Board of Directors one (1) member from its Governing Body to serve an initial two-year term and one (1) member from its Governing Body to serve an initial four-year term pursuant to the Act. Each member locality shall also appoint one (1) member from its Governing Body to serve an initial four-year term as an alternate director. All subsequent terms shall be four-year terms. The term of office for members shall be for the calendar year in which they are elected, and shall continue until their successors are elected. There shall be no limitation on the number of terms for directors of the Regional Industrial Facility Authority.~~
- (c) ~~In order to remain a director or alternate director of the Authority such member must also be a current member of the Governing Body. Once a director or alternate director of the Authority is no longer a member of the Governing Body, the locality will appoint a new member from its Governing Body to fill the unexpired term of the vacating director. The alternate director shall serve until a new director can be appointed.~~
- (d) ~~Each member and alternate member of the Board of Directors, before entering upon the discharge of the duties of the office, shall take and subscribe to the oath prescribed in section 49-1 of the Code of Virginia, 1950, as amended, and shall serve in compliance with the Act, this article, and the agreement.~~
- (e) ~~The Board of Directors shall adopt bylaws, rules and/or regulations to carry out the provisions of the Act. The bylaws, rules, or regulations shall, among other things, specify the principal office for the Authority, identify the schedule and place for meetings of the Board of Directors, and provide for the general administration of the operations of the Authority.~~
- (f) ~~The alternate director may act in place of the director for his/her locality if such director is not present at any meeting of the Authority. If the other two (2) directors for a locality are present, the alternate does not have the right to vote.~~
- (g) ~~It shall require a simple majority of the Board of Directors to act, and a simple majority shall constitute a quorum.~~
- (h) ~~Members of the Board of Directors shall be reimbursed for actual expenses incurred in the performance of their duties from funds available to the Authority.~~

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(Ord. No. 2001-09.06, § 2, 9-18-01; Ord. No. 2013-12-10, 12-17-13)

**Sec. 2-294. Principal office location, records, and title to property.**

The principal office of the Authority shall be located within a member locality. All records shall be kept at such office. The title to all property of every kind belonging to the Authority shall be titled in the name of the Authority, which shall hold such title for the benefit of its member localities.

(Ord. No. 2001-09.06, § 2, 9-18-01)

**Sec. 2-295. Funding.**

Funding of the Authority shall be by appropriation as decided from time to time by the Governing Bodies of the member localities and from such other sources as are identified in the agreement.

(Ord. No. 2001-09.06, § 2, 9-18-01)

**Sec. 2-296. Required reports.**

(a) *Annual reports.* The Board of Directors shall report to the Governing Body of each member locality annually, on or before the last March meeting of the Governing Body, on the activities of the Authority. In addition to oral presentation at the meeting, a written annual report shall be provided prior to the meeting and shall contain, at a minimum, the following information:

- (1) A financial update through December 31 of the current fiscal year;
- (2) After completion of the first fiscal year, an audited financial report showing expenditures and revenues and a statement showing financial condition at the end of the preceding fiscal year;
- (3) A written report, approved by the Board of Directors, of the activities and accomplishments of the Authority and recommendations regarding future activities of the Authority; and
- (4) A list of tenants, purchasers or other persons occupying The Cyber Park of Danville and Pittsylvania County, The Pittsylvania-Danville Regional Industrial Park or any other regional industrial facilities developed by the Authority.

(b) *Special reports.* Upon written request of the Governing Body of any member locality, the Board of Directors shall report to the Governing Body within thirty (30) days of receipt of the request or within a longer period if so provided in the written request. The special report shall describe the activities and financial status of the Authority within the six-month period immediately preceding the request, or as otherwise specified in the written request and shall be furnished to each member locality. A written report shall be provided if requested.

(Ord. No. 2001-09.06, § 2, 9-18-01)

ARTICLE XIII. MEMORIAL COMMISSION

Sec. 2-297. Establishment, designation.

It is the general policy of the City Council that public facilities and public streets should generally be named according to geographical, historical or ecological relationships to the facility and/or street to be named. The name of any public facility may also describe the use or kind of facility which is being identified. However, in unusual circumstances and based on extraordinary and significant contributions to the City of Danville, the Commonwealth of Virginia, or the United States, public facilities and public

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streets may be named to honor certain individuals. In order to fairly and equitably administer a request to name a public facility, a memorial commission is hereby established to be known as the "Danville Memorial Commission".

(Ord. No. 2001-11.03, 11-8-01; Ord. No. 2002-03.06, 3-5-02)

~~Sec. 2-298. Definition.~~

~~As used in this article and elsewhere in this Code, the phrase "Memorial Commission" shall mean the Danville Memorial Commission.~~

(Ord. No. 2001-11.03, 11-8-01; Ord. No. 2002-03.06, 3-5-02)

~~Sec. 2-299. Composition; appointment and qualifications of members of Memorial Commission.~~

~~The Memorial Commission shall consist of seven (7) members appointed by the Mayor pursuant to the Mayor's authority set forth in City Code section 2-41.~~

~~The Mayor shall appoint the two (2) sitting Council members, two (2) sitting Planning Commission members, two (2) at large residents of the City of Danville and the City Manager or his designee once a qualified application for renaming a public street or public facility has been filed with the City Clerk.~~

(Ord. No. 2001-11.03, 11-8-01; Ord. No. 2002-03.06, 3-5-02)

~~Sec. 2-300. Terms of members; filling of vacancies.~~

~~Once appointed, each member of the Memorial Commission shall remain a member of the Commission for one (1) year from the date of their appointment to consider any additional applications that may be filed with the City Clerk. Any vacancy occurring in the membership of the Memorial Commission will be filled by appointment by the Mayor for the unexpired term of the vacating member.~~

(Ord. No. 2001-11.03, 11-8-01; Ord. No. 2002-03.06, 3-5-02)

~~Sec. 2-301. Legal representation.~~

~~The City Attorney or his designee shall be the legal advisor and counsel to the Memorial Commission.~~

(Ord. No. 2001-11.03, 11-8-01; Ord. No. 2002-03.06, 3-5-02)

~~Sec. 2-302. Quorum; majority vote.~~

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

(Ord. No. 2001-11.03, 11-8-01; Ord. No. 2002-03.06, 3-5-02)

~~Sec. 2-303. Assistance from city departments.~~

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

(Ord. No. 2001-11.03, 11-8-01; Ord. No. 2002-03.06, 3-5-02)

~~Sec. 2-304. General powers and duties.~~

~~The Memorial Commission shall have the following powers and duties:~~

~~(a) The Memorial Commission shall act as an advisory board to the City Council on the issues of naming of public streets and public facilities in honor and memoriam of qualified honorees.~~

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- (b) In considering a proposed honoree, the Memorial Commission shall determine if the proposed honoree is a qualified honoree as defined in section 2-305.
  - (c) In considering all applications, the Memorial Commission shall determine if an application is a qualified application as defined in section 2-306.
  - (d) The Memorial Commission shall review and determine if the public street or public facility is an appropriate facility to be named after the proposed honoree or the Commission may recommend an alternative facility to be named.
  - (e) The Memorial Commission shall review the sign and cost of any monument and/or sign to be placed on public property in an effort to honor an individual.
  - (f) The Memorial Commission should make its findings and recommendations to the City Council by filing such with the City Clerk within ninety (90) days of the filing of a qualified application.

(Ord. No. 2001-11.03, 11-8-01; Ord. No. 2002-03.06, 3-5-02; Ord. No. 2002-08.05, 8-6-02)

Sec. 2-305. Qualified honoree.

In order for an individual to qualify as an honoree to have a public street or public facility named in their honor, such individual must satisfy one (1) of the following criteria:

- (a) The proposed honoree must have been deceased for at least three (3) years prior to the date of the application being filed with the City Clerk of the City of Danville and the proposed honoree must have contributed in a significant and positive manner to the City of Danville, the Commonwealth of Virginia or the United States of America; or
- (b) A proposed honoree or someone on his behalf must make a significant financial donation or contribution towards the construction, renovation or development of the public facility to be named.

(Ord. No. 2001-11.03, 11-8-01; Ord. No. 2002-03.06, 3-5-02; Ord. No. 2002-08.05, 8-6-02; Ord. No. 2005-07.17, 7-19-05)

Sec. 2-306. Qualified application.

In order for an application to be fully qualified for consideration by the Memorial Commission, it must meet the following requirements:

- (a) The application must be filed by a current resident of the City of Danville, Virginia.
- (b) The application must name a qualified honoree.
- (c) The application must name and identify the public street or public facility to be named in honor of the proposed honoree.
- (d) The application must include a narrative stating the reasons the qualified honoree should have a public street or public facility named in their honor.
- (e) The application must be accompanied by a petition, which contains the name, current address and signature of at least seventy five (75) registered voters who are registered to vote within the City of Danville.
- (f) The application must be signed by an individual or organization promoting that a public street or public facility be named to honor a qualified honoree.
- (g) A proposed honoree has not had an application to have a public facility named in their honor submitted on their behalf within the last twelve (12) months.

(Ord. No. 2001-11.03, 11-8-01; Ord. No. 2002-03.06, 3-5-02; Ord. No. 2002-08.05, 8-6-02; Ord. No. 2005-07.17, 7-19-05)

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~~Sec. 2-307. Procedures for review of application.~~

~~Upon the filing of a qualified application with the City Clerk of the City of Danville, the following timeframes and procedures are to be followed:~~

- ~~(a) The Mayor should appoint members to the Memorial Commission within thirty (30) days of the filing of a qualified application with the City Clerk, unless a Memorial Commission is currently sitting as a result of a prior application.~~
- ~~(b) The Memorial Commission should submit its recommendation to City Council within ninety (90) days of the filing of the qualified application with the City Clerk.~~
- ~~(c) City Council should act upon the application within sixty (60) days from the date that City Council receives the recommendation from the Memorial Commission. Nothing in this Chapter shall prohibit City Council from referring an application back to the Memorial Commission for further consideration.~~

~~Nothing contained in this article shall require or impose upon City Council the duty of renaming any public street or public facility for any honoree.~~

~~(Ord. No. 2001-11.03, 11-8-01; Ord. No. 2002-03.06, 3-5-02; Ord. No. 2002-08.05, 8-6-02)~~

~~Sec. 2-308. Cost of monument and/or signage to honor an individual.~~

~~Any additional cost not normally borne by the City of Danville associated with the placement, design and construction of a monument and/or sign to honor an individual under this article, should be paid for by the applicant who filed the original application with the City Clerk.~~

~~(Ord. No. 2001-11.03, 11-8-01; Ord. No. 2002-03.06, 3-5-02)~~

~~Sec. 2-309. Style and design of monument and/or sign to honor an individual.~~

~~The style and design of any monument and/or sign to be erected or placed upon public property to honor an individual must be reviewed and approved by the City Council of the City of Danville prior to installation.~~

~~(Ord. No. 2001-11.03, 11-8-01; Ord. No. 2002-03.06, 3-5-02)~~

~~ARTICLE XIV. PUBLIC ARTS COMMISSION<sup>15</sup>~~

~~Sec. 2-310. Establishment.~~

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

~~(Ord. No. 2024-09.04, att., 9-17-24)~~

~~Sec. 2-311. Definitions.~~

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

~~*Public art* means any visual or performance art displayed or performed in a public place or with the assistance of the City. Public art includes, but is not limited to, any sculpture, functional art, mural, public performance, light installation, mosaic, textile, multi-media, pop-up or temporary art,~~

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<sup>15</sup>Ord. No. 2024-09.04, adopted Sep. 17, 2024, repealed the former Art. XIV, §§ 2-310—2-321, and enacted a new Art. XIV as set out herein. The former Art. XIV pertained to the tourism board and derived from Ord. No. 2002-06.06, adopted June 4, 2002, and Ord. No. 2006-08.06, adopted Aug. 1, 2006.

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community participatory art, site-specific art, or other mediums of artistic expression displayed for public enjoyment.

(Ord. No. 2024-09.04, att., 9-17-24)

~~Sec. 2-312. Powers and duties.~~

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

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

(Ord. No. 2024-09.04, att., 9-17-24)

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

- ~~(a) *Membership and term.* The Public Arts Commission shall consist of seven (7) voting Commissioners, six (6) of whom shall be appointed by the Council and one (1) of whom shall be appointed by the Director of Parks and Recreation. The Council shall also appoint an active member of the Council to serve as an ex-officio non-voting member of the Commission, who shall serve for a term of two (2) years. Each voting Commissioner shall serve for a four-year term, except in the case of the inaugural Commissioners appointed by the Council, one-half (½) of whom shall be appointed to a full term of four (4) years and one-half (½) of whom shall be appointed to a partial term of two (2) years, with subsequent appointments thereto then being for a full term of four (4) years. Of the inaugural Commissioners appointed by the Council, the alphabetically first, third, and fifth such Commissioner so appointed shall be for a full term and the second, fourth, and sixth shall be for a partial term.~~
- ~~(b) *Term limits.* No person appointed as a voting member to the Danville Public Arts Commission shall be eligible for reappointment to the same position if such person has served three (3) consecutive terms. When a person is appointed to fill less than fifty percent (50%) percent of the unexpired term of a prior appointee, such term of office shall not be counted as a term of office in enforcing or applying this limitation. However, in no case shall a person serve more than fifteen (15) consecutive years on the Commission. Any person ineligible for reappointment to the Commission under the provisions of this~~

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section shall again be eligible for reappointment to the Commission after at least one (1) full year has elapsed since the expiration of his last term of office.

- (c) ~~Expiration of term.~~ The term of an appointment to the Commission shall begin on January 1, except in the case of the inaugural Commissioners who shall take office immediately.
- (d) ~~Absenteeism.~~ Any person appointed to the Commission who fails to attend seventy-five percent (75%) of the regular meetings of the Commission in any twelve-month period shall be deemed to have resigned from the Commission. The appointment by Council of another person to fill said seat shall constitute an acceptance of the resignation.
- (e) ~~Removal.~~ Any person appointed to the Commission may be removed for malfeasance, misfeasance, nonfeasance, incapacity, or any other good cause by a majority vote of the whole Council.
- (f) ~~Vacancies.~~ Any vacancy occurring in the voting membership of the Commission will be filled for the unexpired term in the same manner as the office was previously filled.

(Ord. No. 2024-09.04, att., 9-17-24)

Sec. 2-314. Conflicts of interest.

- (a) ~~Voting.~~ Each voting member appointed to the Commission shall be required to vote on each item presented for a vote at any meeting thereof at which he is present, unless such member has a valid conflict of interest, in which case such commissioner shall note the presence of such conflict for the record.
- (b) ~~Financial disclosure.~~ Each voting member of the Commission shall timely file any financial disclosures required by law with the City Clerk.

(Ord. No. 2024-09.04, att., 9-17-24)

Sec. 2-315. Meetings.

- (a) ~~Regular meetings.~~ The Commission shall convene and conduct meetings for the handling of its general business and duties in regular intervals at a fixed time, date, and place as determined by the Commission in its bylaws. A copy of the fixed time, date, and place of regular meetings for the Commission shall be posted on the City's public government website and in a prominent location in the City Clerk's office. If the date of a regular meeting falls on a legal holiday observed by the City, the meeting shall be held on the next business day following such holiday, unless a different day is otherwise fixed by the Commission at a previous regular meeting. The Commission shall regularly meet to carry out its duties in a timely manner but in no case shall the Commission meet fewer than four (4) times annually. The Commission may cancel a regular meeting if there are no business items properly before the Commission or due to inclement weather or similar unforeseen circumstances.
- (b) ~~Special meetings.~~ A special meeting of the Commission may be called upon written request to the secretary of such board by the Mayor, the City Manager, the board Chairman, or the Public Arts Coordinator. The secretary shall provide written notice to all Commissioners at least three (3) business days in advance of any special meeting, except in the case an emergency in which case such notice shall be provided at least three (3) hours before the time designated on the notice. Written notice shall not be required to be provided to a member if:
  - (1) ~~The time and place of the special meeting has been fixed at a regular meeting;~~
  - (2) ~~The member is present at the special meeting; or~~
  - (3) ~~The member has waived notice in writing.~~

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- (c) *Quorum.* A majority of the members of the Commission shall constitute a quorum and no action of any board shall be valid unless authorized by a majority vote of those present and voting unless the abstention from a Commissioner with a valid conflict of interest results in a lower vote total.
- (d) *Officers.* The Commission shall elect three (3) officers from its membership a Chairman, Vice-Chairman, and Secretary for a one-year term at its inaugural meeting each year and may elect similar additional officers from its membership at the option of the Commission. The Chairman shall sign all official documents on behalf of the Commission and shall preside over, rule on procedural questions, and direct the proceedings of all Commission meetings at which he is present. The Vice-Chairman shall exercise the same duties in the absence of the Chairman. If both the Chairman and Vice-Chairman are absent from a meeting, then the Secretary shall exercise the same duties in the absence of the Chairman and Vice-Chairman. If the Chairman, Vice-Chairman, and Secretary are all absent from a meeting, and the Commission has not elected any other officers, then the Commission shall elect from its a membership an acting Chairman to exercise the duties of Chairman until the meeting adjourns.
- (e) *Committees.* The Chairman of any board may appoint committees consisting of a portion of its membership for purposes and terms as deemed necessary by the Chairman.
- (f) *Bylaws.* The Commission may, with the advice and consent of the Public Arts Coordinator, adopt and amend its own bylaws and procedures for the conduct of its meetings, provided such bylaws and procedures are otherwise consistent with this Code and Virginia law. In the absence of bylaws or other law, questions of order shall be governed by Robert's Rules of Order.
- (g) *Notice.* In addition to any other public notice or advertisement required by law, public notice of Commission meetings shall be posted both on the City's public website and in a prominent public location in the City Clerk's office. Notice, reasonable under the circumstance, of special, emergency, or continued meetings shall be given contemporaneously with the notice provided to the members of the board conducting the meeting. Public notice and advertisement of a special meeting shall not be required if the time of such meeting has been fixed at a previous regular meeting.
- (h) *Request for notice.* Any person may annually file a written request for notification of meeting dates with the Secretary. The request shall include the requester's name, address, telephone number, electronic mail address, and organization, if any. The Secretary shall provide notice of all meetings directly to each such persons. Without objection by the person, the Commission may provide electronic notice of all meetings in response to such requests.
- (i) *Meeting agenda packet.* At least one (1) copy of the proposed agenda and all agenda packets and, unless exempt, all materials furnished to members of the Commission for a meeting shall be made available for public inspection at the same time such documents are furnished to the members of the Commission.
- (j) *Public meetings.* Except for closed sessions conducted in accordance with Virginia law, any meeting of the Commission shall be open to the general public to attend and shall not be conducted in any building or facility where recording devices are prohibited. Any person may photograph, film, record, or otherwise reproduce any portion of a public meeting, subject to reasonable rules adopted by the board governing the placement and use of equipment necessary for broadcasting, photographing, filming, or recording to prevent interference with the proceedings of the meeting.
- (k) *Public comment.* The Commission may provide the public with the opportunity to comment during a meeting, subject to rules adopted by the Commission.
- (l) *Minutes.* The Commission shall keep a written record of the minutes of any of its meetings or proceedings, including but not limited to the date, time, and location of the meeting, the members of the Commission recorded as present and absent, all applications or petitions, evidence presented, the name and address of each witness or other speaker providing testimony, a summary of the discussion

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on matters proposed, deliberated, or decided, findings of fact, motions and members making or seconding such motions, the vote of each Commissioner on each question, and the recommendation or order issued by the Commission. The record of the minutes of each meeting shall be subsequently adopted by the Commission and shall be maintained by the City as a public record available for public inspection and copying. The minutes shall be posted on the City's public website within seven (7) business days of final approval of the minutes.

(Ord. No. 2024-09.04, att., 9-17-24)

Sec. 2-316. City assistance.

- (a) *Assistance from the City Manager.* Upon the request of the Commission, the City Manager may, from time to time, for the purpose of carrying out certain duties under the direction of the board:
- (1) *City staff.* Assign or detail to the Commission any member of the City staff;
  - (2) *Consultants.* Hire and retain any such engineer, consultant, or other provider of professional services as the Commission deems necessary within the budgetary limits provided therefor; and
  - (3) *Other assistance.* Provide such other information, materials, and assistance as may be required and requested by the Commission in the performance of its duties.
- (b) *Training.* The City shall provide each Commissioner with appropriate training and instruction on the City government and the purpose, powers, duties, procedures, and programs of the board to which he is appointed.
- (c) *Legal advisor.* Unless otherwise specified by Virginia law or this Code, the City Attorney shall be the parliamentarian, legal advisor, and counsel to the Commission.
- (d) *Staff Secretary.* Unless otherwise specified by Virginia law or this Code, the City shall designate and appoint a member of the City staff to serve as staff Secretary of the Commission. The staff Secretary shall be responsible for the preparation and distribution of all notices, advertisements, agendas, and minutes for the Commission and its meetings and public hearings. The staff Secretary shall keep and maintain all Commission records and render and perform for the Commission such other services and duties customarily pertaining to such office. Unless a different person is otherwise designated by the City Manager, the duties of the staff Secretary shall fall upon the Public Arts Coordinator.
- (e) *Compensation and expenses.* Unless otherwise specified by Virginia law or this Code, each Commissioner shall serve in such office without compensation. Each Commissioner shall be reimbursed by the City for admission fees, travel costs, and other expenses incurred by such Commissioner in the performance of his duties or when attending any professional conference or workshop, subject to and in accordance with the approved reimbursement policies of the City.
- (f) *Contracts.* Unless otherwise specified by Virginia law or this Code, the Commission shall not have the authority to contract on behalf of the City.

(Ord. No. 2024-09.04, att., 9-17-24)

Secs. 2-317—2-330. Reserved.

#### ARTICLE XV. OTHER POSTEMPLOYMENT BENEFITS

Sec. 2-331. Establishment of fund.

- (a) The Trust Fund for Other Postemployment Benefits (OPEB Trust Fund) is established to meet the City's unfunded liability obligations for retiree health benefits and life insurance benefits for eligible participants, who are the beneficiaries of the OPEB Trust Fund. Funds appropriated for the OPEB Trust Fund shall be held in trust and shall be invested or used for the payment of certain covered medical or life insurance benefit claims and/or payment of certain medical or life insurance premiums; or to

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reimburse the City for the payment of such claims and/or premiums as described in [this] Section. OPEB Trust Funds may not be encumbered for, or diverted to, other purposes. Funds appropriated for the OPEB Trust Fund may not be diverted or deappropriated by any subsequent action.

- (b) ~~The Finance Director for the City of Danville, Virginia shall have authority to direct the Board of Trustees to pay certain benefit claims and/or premiums and administrative expenses of the OPEB Trust Fund and to request a reimbursement for such claims and/or premiums or administrative expenses paid directly by the City. A letter from the Finance Director directing the payment of benefit claims, premiums, or administrative expenses from OPEB Trust Funds shall serve as the Board's authorization to approve such payments/disbursements of Trust Fund assets.~~
- (c) ~~The amounts remaining in the OPEB Trust Fund, if any, after all premiums, fees, health insurance claims, and expenses have been paid for any fiscal year shall be retained in such trust for future payments for post-retirement health and life insurance obligations under the plan. The OPEB Trust Fund shall be an irrevocable trust excludable from federal income tax under Section 115 of the Internal Revenue Code of 1986, as amended [26 U.S.C. Section 115] and subject to the financial reporting disclosure and actuarial requirements of Governmental Accounting Standards Board Statements 43 and 45 or any subsequent Government Accounting Standards Board pronouncements or updates that may be applicable.~~

~~(Ord. No. 2009-05.01, 5-5-09)~~

~~Sec. 2-332. Trustees.~~

- (a) ~~The individuals who comprise the Board of Trustees for the City of Danville Employees' Retirement System, as described in Article II, Section 32-21 of this City Code, shall serve as the Board of Trustees for the City of Danville's OPEB Trust Fund. The Board shall execute a trust agreement for the OPEB Trust Fund and may amend the trust agreement for administrative or ministerial matters that are legally required or do not have a financial impact, and/or make recommendations to City Council for the amendment of the OPEB Trust Fund. The Board shall take all actions necessary and appropriate to establish and maintain the OPEB Trust Fund, and shall have control and management of the OPEB Trust Fund and may utilize its powers pursuant to this article in the administration of the OPEB Trust Fund in accordance with (i) the terms of the Trust Agreement; (ii) the applicable laws of the Commonwealth of Virginia; and (iii) in a manner consistent with the requirements of Section 115 of the Internal Revenue Code of 1986, as amended.~~
- (b) ~~The City Treasurer shall be the custodian of all funds and assets of the OPEB Trust Fund other than those funds, assets, securities, and investments placed by the Board in the custody of qualified financial or investment institutions duly designated for such purpose by the Board pursuant to the provisions of subsection (d) of this section. All registered securities of the OPEB Trust Fund shall be registered in the name of "City of Danville, Virginia Other Postemployment Trust Fund" or, at the direction of the Board, in the name of designated custodian thereof; and every change in the registration of such securities by reason of sale or assignment shall be authenticated by the signature of the custodian, or in the case of a corporate custodian, an authorized representative or nominee thereof; provided, however, that if the Board shall have designated a bank or trust company as custodian, then the registered securities in the custody of such custodian may be placed in the possession of and registered in the name of a nominee of such custodian or, in the case of securities eligible therefore, the Depository Trust Company or its nominee, or the Federal Reserve Bank of Richmond or its nominee, all in accordance with applicable law and regulations. All payments from the funds of the OPEB Trust Fund shall be made only by checks issued upon orders signed by such person or persons designated and duly authorized for the purpose by resolution of the Board.~~
- (c) ~~Available cash may be kept on deposit. For the purpose of meeting disbursements for claims and premiums (or reimbursements to the City for claims and/or premiums) for retiree health benefits~~

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and/or life benefits, there may be kept on deposit available cash in an amount not exceeding twenty (20) percent of the total assets of the OPEB Trust Fund.

- (d) ~~The Board shall be the trustee of all of the funds and assets of the OPEB Trust Fund, and as such have full power, authority, and responsibility to invest and reinvest such funds and assets, subject to the limitations, requirements and restrictions prescribed by this chapter and all applicable laws. Subject to such limitations, the Board is fully authorized and empowered to hold, purchase, acquire, retain, sell, assign, transfer, exchange, and dispose of any of the securities and investments in which any of the funds of the OPEB Trust Fund have been or are hereafter invested, and to otherwise manage and control such securities and investments, as well as the income and proceeds from such investments, and any monies belonging to the OPEB Trust Fund.~~
- (e) ~~In investing, reinvesting, and otherwise managing the funds, assets and investments of the OPEB Trust Fund, the members of the Board shall exercise the judgment of care under the circumstances then prevailing which men of prudence, discretion, and intelligence exercise in the management of their own affairs, not in regard to speculation but in regard to the permanent disposition of their funds, considering the probable income from, as well as the probable safety of, their capital.~~
- (f) ~~No investment shall be made except in securities or investments, which, at the time of the making of the investment, are authorized and permitted under the laws of the Commonwealth of Virginia.~~

~~(Ord. No. 2009-05.01, 5-5-09)~~

~~Sec. 2-333. Delegation of board's investment powers and responsibilities; designation of institutional custodian.~~

~~Regardless of any provisions of this chapter to the contrary, in its discretion and exercising the prescribed standard of judgment and care set out in subsection 32-40(b) of this City Code, the Board may delegate any part or all of its investment powers and responsibilities to one (1) or more financial or investment institutions lawfully qualified as such, and in addition, may designate and appoint one (1) or more of the same or other like qualified institutions to act as custodian of any part or all of the funds, assets, securities, and investments of the OPEB Trust Fund, and in each instance may enter into an arrangement with such institution upon such terms and conditions as may be required and agreed to by the Board. Such institution must be a member of a national banking association, a registered investment adviser under the Investment Advisers Act of 1940, or an organization that is licensed to conduct business in and under the laws of the Commonwealth of Virginia.~~

~~(Ord. No. 2009-05.01, 5-5-09)~~

~~Sec. 2-334. Diversion or use of funds for improper purposes.~~

~~Under provisions of this chapter it shall be impossible at any time prior to the satisfaction of all liabilities with respect to members covered under the plan's postemployment health and life benefits, for any part of the corpus or income to be used for, or diverted to, purposes other than for the satisfaction of other postemployment benefit liabilities under the City of Danville, Virginia's Other Postemployment Benefit Trust Fund and the payment of all or part of the expenses of administering the OPEB Trust Fund.~~

~~(Ord. No. 2009-05.01, 5-5-09)~~

~~Sec. 2-335. Conflict of interests, etc., of board members or employees.~~

~~Except as otherwise authorized or provided herein, no member, officer, agent, or employee of the Board shall have any interest, direct or indirect, in the gains or profits of any investment made by the Board, other than an interest in any pay, compensation or emolument for authorized services rendered to the Board as an employee or agent thereof, and save also insofar as any such member, officer, agent or employee is a retiree participating in the postemployment health and/or life benefits funded by the OPEB Trust Fund. No member of the Board shall receive, directly or indirectly, any pay or emolument~~

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for his services rendered as such. No member, officer, agent, or employee of the Board shall, directly or indirectly, for himself or as an agent, in any manner use the funds or deposits of the system except to make such payments therefrom as are authorized by the Board.

(Ord. No. 2009-05.01, 5-5-09)

Sec. 2-336. Board's records and annual report to council.

The Board shall keep a record of all of its proceedings, which shall be open to public inspection. It shall submit to the Council, annually, a report showing the fiscal transactions of the fund for the preceding year, the amount of the accumulated cash and securities of the OPEB Trust Fund and the last balance sheet indicating the financial condition of the fund, as shown by an actuarial valuation of the assets and liabilities of the OPEB Trust Fund. The audit firm contracted to audit the City's financial statements shall audit the OPEB Trust Fund annually.

(Ord. No. 2009-05.01, 5-5-09)

Sec. 2-337. Board's legal adviser.

The City Attorney shall be the legal adviser of the Board and as such, shall approve all agreements as to form and legality.

(Ord. No. 2009-05.01, 5-5-09)

Sec. 2-338. Contributions to the fund and actuarial valuations.

To compute the required contributions, the City shall engage an actuary who shall be a Fellow of the Society of Actuaries and shall be enrolled by the Joint Board of the Enrollment of Actuaries. Using recognized actuarial principles in conjunction with methods and assumptions approved by the City's management, the actuary, on the basis of actuarial valuations made no less frequently than biennially, shall advise management as to the contribution necessary (Annual Required Contribution) to fund the City's annual other postemployment benefits expense under GASB 45.

(Ord. No. 2009-05.01, 5-5-09; Ord. No. 2013-10.14, 10-17-13)

Sec. 2-339. Right of reversion of OPEB trust fund assets.

All remaining assets of the OPEB Trust Fund shall revert to the City after the satisfaction of all OPEB liabilities under the post-employment health and life plans, followed by the termination of the OPEB Trust Fund.

Other postemployment benefits shall be considered satisfied when it is actuarially determined, as defined in Section 2-338, that the employer has no liability for postemployment health and life benefits and the Director of Finance for the City of Danville certifies that all covered other postemployment benefit liabilities have been satisfied.

(Ord. No. 2009-05.01, 5-5-09)

Secs. 2-340—2-350. Reserved.

ARTICLE XVI. COALITION FOR A SAFE DANVILLE<sup>16</sup>

Sec. 2-351. Establishment.

Danville City Council hereby establishes the "Coalition for a Safe Danville" as a means of uniting community stakeholders, sharing information, developing strategies, engaging and informing the public, and

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<sup>16</sup>Editor's note(s)—Ord. No. 2010-01.03, adopted Jan. 1, 2010, amended the Code by adding provisions designated as Art. XVI, §§ 2-245—2-254. For purposes of classification, said provisions have been included herein as Art. XVI, §§ 2-351—2-360. See also the Code Comparative Table.

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undertaking coordinated, results-oriented crime prevention activities that will combat crime and earn public confidence that Danville is a safe community in which to live, visit, and conduct business.

(Ord. No. 2010-01.03, 1-5-10)

~~Sec. 2-352. Term.~~

The term of the Coalition shall be through December 31, 2012, subject to extension by the City Council.

(Ord. No. 2010-01.03, 1-5-10)

~~Sec. 2-353. Duties.~~

The Coalition's primary purpose is to provide opportunities for networking, information sharing, and strategy development among members to combat and prevent crime in Danville and to provide advice on the same to the City Council. The Coalition shall neither oversee the Danville Police Department, nor attempt to direct activities of member organizations. Each member organization shall maintain its own identity, autonomy, program responsibilities, staff, and budget.

(Ord. No. 2010-01.03, 1-5-10)

~~Sec. 2-354. Membership.~~

Coalition membership is open to all who are responsible for, or interested, in combating and preventing crime in Danville and who wish to become members. Unlike its other boards and commissions, City Council will not exercise membership appointment authority for the Coalition. Applicants shall become members in good standing upon submission of a completed application to the City Manager's Office. Membership shall terminate when a member provides a written request to withdraw from the Coalition. The Coalition shall have two (2) classes of membership: organizational membership and individual membership.

(1) Organizational membership is open to any private corporation, citizen group, nonprofit organization, local, state, or federal agency, and the following municipal offices and departments:

- a. City Manager's Office.
- b. City Attorney's Office.
- c. Police Department.
- d. Human Services Department.
- e. Parks, Recreation and Tourism Department.
- f. Community Development Department.
- g. Public Works Department.
- h. Transportation Department.

Each organizational member must designate who will serve as its official representative on the Coalition. Organizational members may name up to three (3) official representatives, one (1) as its primary representative and one (1) or two (2) as secondary representatives. Should an organizational member's primary or secondary representative at any time either leave its employment or be otherwise unable to serve, the organizational member may appoint another person to take his or her place. Only one (1) representative from each organizational member is eligible to vote at any particular meeting.

(2) Individual membership shall be open to all persons having an interest in the objectives of the Coalition. Individual membership is not available to a person designated as an official representative of an organizational member.

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~~(Ord. No. 2010-01.03, 1-5-10)~~

~~Sec. 2-355. Chairperson and vice-chairperson.~~

~~The Coalition shall elect a Chairperson and Vice-Chairperson in accordance with the process outlined in its by-laws.~~

~~(Ord. No. 2010-01.03, 1-5-10)~~

~~Sec. 2-356. Coordinator.~~

~~The City Manager shall designate a municipal employee to serve as Coordinator and be responsible for the preparation and distribution of Coalition meeting notices, agendas, and minutes and perform other service and duties as usually pertain to such office. The Coordinator may, from time to time, assign members of the staff of the administrative departments of the City to support the Coalition. The Coordinator shall not have any voting rights.~~

~~(Ord. No. 2010-01.03, 1-5-10)~~

~~Sec. 2-357. Legal representation.~~

~~The City Attorney or his designee shall be the legal advisor and counsel to the Coalition.~~

~~(Ord. No. 2010-01.03, 1-5-10)~~

~~Sec. 2-358. Operations.~~

~~The Coalition will function in accordance with written by-laws adopted and maintained by its membership.~~

~~(Ord. No. 2010-01.03, 1-5-10)~~

~~Sec. 2-359. Meetings generally.~~

~~(a) The Coalition shall hold public meetings no less frequently than once a quarter, with one (1) meeting designated as its annual meeting during which it shall report progress achieved during the previous year and plans for the coming year.~~

~~(b) Additional meetings of the Coalition may be called by the Chairman, the City Manager, or by five (5) or more organizational members upon written request to the Coordinator.~~

~~(c) Except in the case of an emergency, the Coordinator shall notify all members and the general public at least ten (10) days in advance of a meeting of the Coalition fixing the time, place, and the purpose thereof. In case of an emergency, this notice requirement can be waived by the Chairman.~~

~~(Ord. No. 2010-01.03, 1-5-10)~~

~~Sec. 2-360. Quorum and voting.~~

~~(a) A quorum at any meeting of the Coalition membership shall be at least twenty (20) percent, but not less than ten (10), of its organizational members.~~

~~(b) Decision making will normally be accomplished by consensus. In the event that a formal vote is required, it shall be restricted to organizational members and two (2) individual members elected at that meeting by all individual members present to represent that group in the voting. Multiple representatives of an organizational member attending a particular meeting must designate only one person to vote on behalf of that member.~~

~~(c) The affirmative vote of sixty (60) percent of the members present at any meeting at which there is a quorum present shall be the action of the membership.~~

~~(Ord. No. 2010-01.03, 1-5-10)~~

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~~Secs. 2-361—2-369. Reserved.~~

~~ARTICLE XVII. INDUSTRIAL DEVELOPMENT AUTHORITY~~

~~Sec. 2-370. Establishment; designation.~~

~~Pursuant to Ordinance number 66-11.4 adopted November 17, 1966, there is established a Political Subdivision of the Commonwealth known as the "Industrial Development Authority of Danville, Virginia".~~

~~(Ord. No. 2011-06.11, 6-7-11)~~

~~Sec. 2-371. Definition.~~

~~As used in this article and elsewhere in this Code, the phrase "Industrial Development Authority" shall mean the Industrial Development Authority of Danville, Virginia.~~

~~(Ord. No. 2011-06.11, 6-7-11)~~

~~Sec. 2-372. Composition; appointment and qualifications of directors of the Industrial Development Authority of Danville, Virginia.~~

~~The Industrial Development Authority shall consist of a board of seven (7) directors, appointed by City Council.~~

~~(Ord. No. 2011-06.11, 6-7-11)~~

~~Sec. 2-373. Terms of directors; filling of vacancies.~~

~~Appointments to the Industrial Development Authority shall be for terms of four (4) years. Appointments to the Industrial Development Authority shall be subject to the provisions of section 2-44 entitled, "Limitation on number of terms."~~

~~(Ord. No. 2011-06.11, 6-7-11; Ord. No. 2016-07.04, 7-5-16)~~

~~Sec. 2-374. Oath of directors; compliance with Freedom of Information Act; disclosure.~~

~~Each appointed director of the Industrial Development Authority shall take an oath of office and file with the City Clerk any and all financial disclosures required by the Comprehensive Freedom of Information Act.~~

~~(Ord. No. 2011-06.11, 6-7-11)~~

~~Sec. 2-375. Removal of directors.~~

~~Directors of the Industrial Development Authority may be removed by City Council for malfeasance in office.~~

~~(Ord. No. 2011-06.11, 6-7-11)~~

~~Sec. 2-376. Chair and Vice-Chairman.~~

~~The Industrial Development Authority, at its first meeting in July of each year, shall elect from the appointed directors, a chairman and vice-chairman whose terms shall be from the date of appointment through the first meeting in July of the following year or until their successor is elected.~~

~~(Ord. No. 2011-06.11, 6-7-11)~~

~~Sec. 2-377. Secretary and Treasurer.~~

~~The Board of Directors shall elect from its membership or not, as it desires, a secretary and a treasurer, which two (2) offices may be combined in and held by one (1) person whose terms shall be from the date of appointment through the first meeting in July of the following year or until their successor is elected.~~

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~~(Ord. No. 2011-06.11, 6-7-11)~~

~~Sec. 2-378. Legal representation.~~

~~The City Attorney or his designee shall be the legal advisor and counsel to the Industrial Development Authority.~~

~~(Ord. No. 2011-06.11, 6-7-11)~~

~~Sec. 2-379. Meetings generally.~~

~~(a) Regular meetings of the Board shall be held upon call of the Chairman or as otherwise provided for, using the procedure set forth in Paragraph 3 of Bylaws of the Industrial Development Authority. All meetings shall be held only in the City of Danville, Virginia. At a meeting called as a regular meeting, any business may be brought before the Board, whether or not that business is set forth in the notice of meeting.~~

~~(b) Special meetings of the Board may be called by or at the request of the Chairman or of any two (2) directors. Whenever any two (2) directors, not including the Chairman, request a special meeting, they shall provide the Secretary with a statement of the business to be considered for the purpose of providing adequate notice.~~

~~(Ord. No. 2011-06.11, 6-7-11)~~

~~Sec. 2-380. Quorum; majority vote.~~

~~Four (4) members of the Board of Directors shall constitute a quorum for the transaction of business at any meeting of the Authority. Each voting member of the Industrial Development Authority is required to vote on each item presented to the Industrial Development Authority for a vote, unless there is a valid conflict of interest.~~

~~(Ord. No. 2011-06.11, 6-7-11)~~

~~Sec. 2-381. Assistance from City departments; hiring of consultants.~~

~~Upon the request of the Industrial Development Authority, the City Manager may, from time to time, for the purpose of special projects under the direction of the Industrial Development Authority assign or detail to it any members of the staff of the administrative departments of the City; or hire and retain such consultants as the Industrial Development Authority deems necessary within the budgetary limits.~~

~~(Ord. No. 2011-06.11, 6-7-11)~~

~~Sec. 2-382. Reimbursement of expenses.~~

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

~~(Ord. No. 2011-06.11, 6-7-11)~~

~~Sec. 2-383. General powers and duties.~~

~~The Industrial Development Authority shall have the following powers together with all powers incidental thereto or necessary for the performance of those hereinafter stated:~~

~~(1) To sue and be sued and to prosecute and defend, at law or in equity, in any court having jurisdiction of the subject matter and of the parties;~~

~~(2) To adopt and use a corporate seal and to alter the same at pleasure;~~

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- (3) ~~To enter into contracts; however, any written contract of the Industrial Development Authority shall contain provisions addressing the issue of whether attorney's fees shall be recoverable by the prevailing party in the event the contract is subject to litigation;~~
  - (4) ~~To acquire, whether by purchase, exchange, gift, lease or otherwise, and to improve, maintain, equip and furnish one (1) or more Industrial Development Authority facilities including all real and personal properties which the Board of Directors of the Industrial Development Authority may deem necessary in connection therewith and regardless of whether any such facilities shall then be in existence;~~
  - (5) ~~To lease to others any or all of its facilities and to charge and collect rent therefor and to terminate any such lease upon the failure of the lessee to comply with any of the obligations thereof; and to include in any such lease, if desired, a provision that the lessee thereof shall have options to renew such lease or to purchase any or all of the leased facilities, or that upon payment of all of the indebtedness of the Industrial Development Authority it may lease or convey any or all of its facilities to the lessee thereof with or without consideration;~~
  - (6) ~~To sell, exchange, donate, and convey any or all of its facilities or properties whenever its board of directors shall find any such action to be in furtherance of the purposes for which the Industrial Development Authority was organized;~~
  - (7) ~~To issue its bonds for the purpose of carrying out any of its powers, including specifically, but without intending to limit any power conferred by this section or this chapter, the issuance of bonds to provide long-term financing of any pollution control facility, whether any such facility was constructed prior to or after the enactment hereof or the receipt of a commitment from an Industrial Development Authority to undertake financing pursuant hereto, unless the major part of the proceeds of such bonds will be used to redeem any prior long-term financing of such facility other than financings pursuant to this chapter or any similar law;~~
  - (8) ~~As security for the payment of the principal of and interest on any bonds so issued and any agreements made in connection therewith, to mortgage and pledge any or all of its facilities or any part or parts thereof, whether then owned or thereafter acquired, and to pledge the revenues therefrom or from any part thereof or from any loans made by the Industrial Development Authority;~~
  - (9) ~~To employ and pay compensation to such employees and agents, including attorneys, and real estate brokers whether engaged by the Industrial Development Authority or otherwise, as the Board of Directors shall deem necessary in carrying on the business of the Industrial Development Authority;~~
  - (10) ~~To exercise all powers expressly given the Industrial Development Authority by the governing body of the locality which established the Industrial Development Authority and to establish bylaws and make all rules and regulations, not inconsistent with the provisions of this chapter, deemed expedient for the management of the Industrial Development Authority's affairs;~~
  - (11) ~~To appoint an industrial advisory committee or similar committee or committees to advise the Industrial Development Authority, consisting of such number of persons as it may deem advisable. Such persons may be compensated such amount per regular, special, or committee meeting as may be approved by the appointing Industrial Development Authority, not to exceed fifty dollars (\$50.00) per meeting day, and may be reimbursed for necessary traveling and other expenses incurred while on the business of the Industrial Development Authority;~~
  - (12) ~~To borrow money and to accept contributions, grants and other financial assistance from the United States of America and agencies or instrumentalities thereof, the Commonwealth, or any political subdivision, agency, or public instrumentality of the Commonwealth, for or in aid of the construction, acquisition, ownership, maintenance or repair of the Industrial Development Authority facilities, for the payment of principal of any bond of the Industrial Development Authority, interest thereon, or other cost incident thereto, or in order to make loans in furtherance of the purposes of this chapter of~~

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such money, contributions, grants, and other financial assistance, and to this end the Industrial Development Authority shall have the power to comply with such conditions and to execute such agreements, trust indentures, and other legal instruments as may be necessary, convenient or desirable and to agree to such terms and conditions as may be imposed;

(13) ~~To make loans or grants to any person, partnership, association, corporation, business, or governmental entity in furtherance of the purposes of this chapter, including for the purposes of promoting economic development, provided that such loans or grants shall be made only from revenues of the Industrial Development Authority which have not been pledged or assigned for the payment of any of the Industrial Development Authority's bonds, and to enter into such contracts, instruments, and agreements as may be expedient to provide for such loans and any security therefor. An Industrial Development Authority may also be permitted to forgive loans or other obligations if it is deemed to further economic development. The word "revenues" as used in this subdivision [subsection] includes contributions, grants and other financial assistance, as set out in subdivision [subsection] (12); and~~

(14) ~~Such other powers as may be delegated to Industrial Development Authorities by title 15.2 chapter 49 of the Code of Virginia as may be amended from time to time.~~

(Ord. No. 2011-06.11, 6-7-11)

State law reference(s)—Code of Virginia, § 15.2-4905

Sec. 2-384. Fiscal year.

The fiscal year of the Industrial Development Authority of Danville, Virginia, shall be from July 1 until June 30 of the following year.

(Ord. No. 2011-06.11, 6-7-11)

#### ARTICLE XVIII. DANVILLE DEVELOPMENT AUTHORITY

Sec. 2-385. Establishment; designation.

Pursuant to chapter 643 of the 1964 Virginia Acts of the Assembly as amended from time to time there is established and organized a political subdivision of the Commonwealth known as the "Danville Development Authority".

(Ord. No. 2011-06.10, 6-7-11)

Sec. 2-386. Composition; appointment and qualifications of directors of the Danville Development Authority.

The Danville Development Authority shall consist of a board of seven (7) directors, appointed by City Council.

(Ord. No. 2011-06.10, 6-7-11)

Sec. 2-387. Terms of directors; filling of vacancies.

The seven (7) directors of the Danville Development Authority shall be appointed initially for terms of one (1), two (2), three (3) and four (4) years; two (2) being appointed for one-year terms; two (2) being appointed for two-year terms; two (2) being appointed for three-year terms and one (1) being appointed for a four-year term.

Subsequent appointments shall be for terms of four (4) years, except appointments to fill vacancies which shall be for the unexpired terms. Any vacancy occurring in the membership of the Danville Development Authority shall be filled by City Council.

There shall be no limitation on the number of terms for directors of Danville Development Authority.

(Ord. No. 2011-06.10, 6-7-11)

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State law reference(s)—Code of Virginia, § 15.2-4904

~~Sec. 2-388. Oath of directors; compliance with Freedom of Information Act; disclosure.~~

~~Each appointed director of the Danville Development Authority shall take an oath of office and file with the City Clerk any and all financial disclosures required by the Comprehensive Freedom of Information Act.~~

~~(Ord. No. 2011-06.10, 6-7-11)~~

~~Sec. 2-389. Removal of directors.~~

~~Directors of the Danville Development Authority may be removed by City Council for malfeasance in office.~~

~~(Ord. No. 2011-06.10, 6-7-11)~~

~~Sec. 2-390. Chair and Vice-Chairman.~~

~~The Danville Development Authority, at its first meeting of the fiscal year, shall elect from the appointed directors, a chairman and vice-chairman whose terms shall be from the date of appointment through the first meeting in July of the following year or until their successor is elected.~~

~~(Ord. No. 2011-06.10, 6-7-11)~~

~~Sec. 2-391. Secretary and Treasurer.~~

~~The Board of Directors, at its first meeting of the fiscal year, shall elect from its membership or not, as it desires, a secretary and a treasurer, which two (2) offices may be combined in and held by one (1) person whose terms shall be from the date of appointment through the first meeting in July of the following year or until their successor is elected.~~

~~(Ord. No. 2011-06.10, 6-7-11)~~

~~Sec. 2-392. Legal representation.~~

~~The City Attorney or his designee shall be the legal advisor and counsel to the Danville Development Authority.~~

~~(Ord. No. 2011-06.10, 6-7-11)~~

~~Sec. 2-393. Meetings generally.~~

~~(a)—Regular meetings of the Board shall be held upon call of the Chairman or as otherwise provided for. All meetings shall be held only in the City of Danville, Virginia. At a meeting called as a regular meeting, any business may be brought before the Board, whether or not that business is set forth in the notice of meeting.~~

~~(b)—Special meetings of the Board may be called by or at the request of the Chairman or of any two (2) directors. Whenever any two (2) directors, not including the Chairman, request a special meeting, they shall provide the Secretary with a statement of the business to be considered for the purpose of providing adequate notice.~~

~~(Ord. No. 2011-06.10, 6-7-11)~~

~~Sec. 2-394. Quorum; majority vote.~~

~~Four (4) members of the Board of Directors shall constitute a quorum for the transaction of business at any meeting of the Authority. Each voting member of the Danville Development Authority is required to vote on each item presented to the Danville Development Authority for a vote, unless there is a valid conflict of interest.~~

~~(Ord. No. 2011-06.10, 6-7-11)~~

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~~Sec. 2-395. Assistance from City departments; hiring of consultants.~~

~~Upon the request of the Danville Development Authority, the City Manager may, from time to time, for the purpose of special projects under the direction of the Danville Development Authority assign or detail to it any members of the staff of the administrative departments of the City; or hire and retain such consultants as the Danville Development Authority deems necessary within the budgetary limits.~~

~~(Ord. No. 2011-06.10, 6-7-11)~~

~~Sec. 2-396. Reimbursement of expenses.~~

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

~~(Ord. No. 2011-06.10, 6-7-11)~~

~~Sec. 2-397. General powers and duties.~~

~~The Danville Development Authority shall have the following powers together with all powers incidental thereto or necessary for the performance of those hereinafter stated:~~

- ~~(1) To use and be used and to prosecute and defend, at law or in equity, in any court having jurisdiction of the subject matter and of the parties;~~
- ~~(2) To adopt and use a corporate seal and to alter the same at pleasure;~~
- ~~(3) To enter into contracts; however, any written contract of the Danville Development Authority shall contain provisions addressing the issue of whether attorney's fees shall be recoverable by the prevailing party in the event the contract is subject to litigation;~~
- ~~(4) To acquire, whether by purchase, exchange, gift, lease or otherwise, and to improve, maintain, equip and furnish one (1) or more Danville Development Authority facilities including all real and personal properties which the Board of Directors of the Danville Development Authority may deem necessary in connection therewith and regardless of whether any such facilities shall then be in existence;~~
- ~~(5) To lease to others any or all of its facilities and to charge and collect rent therefore and to terminate any such lease upon the failure of the lessee to comply with any of the obligations thereof; and to include in any such lease, if desired, a provision that the lessee thereof shall have options to renew such lease or to purchase any or all of the leased facilities, or that upon payment of all of the indebtedness of the Danville Development Authority it may lease or convey any or all of its facilities to the lessee thereof with or without consideration;~~
- ~~(6) To sell, exchange, donate, and convey any or all of its facilities or properties whenever its board of directors shall find any such action to be in furtherance of the purposes for which the Danville Development Authority was organized;~~
- ~~(7) To issue its bonds for the purpose of carrying out any of its powers including specifically, but without intending to limit any power conferred by this section or this chapter, the issuance of bonds to provide long-term financing of any pollution control facility, whether any such facility was constructed prior to or after the enactment hereof or the receipt of a commitment from an Danville Development Authority to undertake financing pursuant hereto, unless the major part of the proceeds of such bonds will be used to redeem any prior long-term financing of such facility other than financings pursuant to this chapter or any similar law;~~
- ~~(8) As security for the payment of the principal of and interest on any bonds so issued and any agreements made in connection therewith, to mortgage and pledge any or all of its facilities or any part or parts thereof, whether then owned or thereafter acquired, and to pledge the revenues therefrom or from any part thereof or from any loans made by the Danville Development Authority;~~

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- ~~(9) To employ and pay compensation to such employees and agents, including attorneys, and real estate brokers whether engaged by the Danville Development Authority or otherwise, as the Board of Directors shall deem necessary in carrying on the business of the Danville Development Authority;~~
- ~~(10) To exercise all powers expressly given the Danville Development Authority by the governing body of the locality which established the Danville Development Authority and to establish bylaws and make all rules and regulations, not inconsistent with the provisions of this chapter, deemed expedient for the management of the Danville Development Authority's affairs;~~
- ~~(11) To appoint an industrial advisory committee or similar committee or committees to advise the Danville Development Authority, consisting of such number of persons as it may deem advisable. Such persons may be compensated such amount per regular, special, or committee meeting as may be approved by the appointing Danville Development Authority, not to exceed fifty dollars (\$50.00) per meeting day, and may be reimbursed for necessary traveling and other expenses incurred while on the business of the Danville Development Authority;~~
- ~~(12) To borrow money and to accept contributions, grants and other financial assistance from the United States of America and agencies or instrumentalities thereof, the Commonwealth, or any political subdivision, agency, or public instrumentality of the Commonwealth, for or in aid of the construction, acquisition, ownership, maintenance or repair of the Danville Development Authority facilities, for the payment of principal of any bond of the Danville Development Authority, interest thereon, or other cost incident thereto, or in order to make loans in furtherance of the purposes of this chapter of such money, contributions, grants, and other financial assistance, and to this end the Danville Development Authority shall have the power to comply with such conditions and to execute such agreements, trust indentures, and other legal instruments as may be necessary, convenient or desirable and to agree to such terms and conditions as may be imposed;~~
- ~~(13) To make loans or grants to any person, partnership, association, corporation, business, or governmental entity in furtherance of the purposes of this chapter including for the purposes of promoting economic development, provided that such loans or grants shall be made only from revenues of the Danville Development Authority which have not been pledged or assigned for the payment of any of the Danville Development Authority's bonds, and to enter into such contracts, instruments, and agreements as may be expedient to provide for such loans and any security therefore. An Danville Development Authority may also be permitted to forgive loans or other obligations if it is deemed to further economic development. The word "revenues" as used in this subdivision [subsection] includes contributions, grants and other financial assistance, as set out in subdivision [subsection] (12); and~~
- ~~(14) Such other powers as may be delegated to Industrial Development Authorities by title 15.2 chapter 49 of the Code of Virginia as may be amended from time to time.~~

~~(Ord. No. 2011-06.10, 6-7-11)~~

~~State law reference(s)—Code of Virginia, § 15.2-4905~~

~~Sec. 2-398. Fiscal year.~~

~~The fiscal year of the Danville Development Authority shall be from July 1 until June 30 of the following year.~~

~~(Ord. No. 2011-06.10, 6-7-11)~~

~~Sec. 2-399. Reserved.~~

#### ~~ARTICLE XIX. DANVILLE UNITED COMMUNITY RELATIONS COALITION~~

~~Sec. 2-400. Establishment.~~

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Danville City Council hereby establishes the "Danville United Community Relations Coalition," to be generally known as "Danville United," as a means of uniting community stakeholders, sharing information, developing strategies, engaging and informing the public, and undertaking coordinated activities that could make Danville a more tolerant, friendly, and welcoming community to all regardless of race, gender, religion, creed, ethnicity, nationality, or economic status.

{Ord. No. 2013-10.15, 10-17-13}

~~Sec. 2-401. Term.~~

~~The term of "Danville United" shall be through December 31, 2015, subject to extension by the City Council.~~

{Ord. No. 2013-10.15, 10-17-13}

~~Sec. 2-402. Duties.~~

~~Danville United's primary purpose is to provide opportunities for networking, information sharing, and strategy development among members to make Danville a more tolerant, friendly, and welcoming community to all regardless of race, gender, religion, creed, ethnicity, nationality, or economic status and to provide advice on the same to the City Council. Danville United shall neither oversee municipal departments, nor attempt to direct activities of member organizations or individuals. Each member organization shall maintain its own identity, autonomy, program responsibilities, staff, and budget.~~

{Ord. No. 2013-10.15, 10-17-13}

~~Sec. 2-403. Membership.~~

~~Danville United membership is open to all who are or interested in making Danville a more tolerant, friendly, and welcoming community to all regardless of race, gender, religion, creed, ethnicity, nationality, or economic status and who wish to become members. Unlike its other boards and commissions, City Council will not exercise membership appointment authority for Danville United. Applicants shall instead become members in good standing upon submission of a completed application to the City Manager's Office. Membership shall terminate when a member provides a written request to withdraw from Danville United.~~

~~Danville United shall have two (2) classes of membership: organizational membership and individual membership.~~

~~(1) Organizational membership is open to any private corporation, citizen group, non-profit organization, and local, state, or federal government agency. Each organizational member must designate who will serve as its official representative on Danville United. Organizational members may name up to three (3) official representatives, one (1) as its primary representative and one (1) or two (2) as secondary representatives. Should an organizational member's primary or secondary representative at any time either leave its employment or be otherwise unable to serve, the organizational member may appoint another person to take his or her place. Only one (1) representative from each organizational member is eligible to vote at any particular meeting.~~

~~(2) Individual membership shall be open to all persons having an interest in the objectives of Danville United. Individual membership is not available to a person designated as an official representative of an organizational member.~~

{Ord. No. 2013-10.15, 10-17-13}

~~Sec. 2-404. Chairperson and Vice-Chairperson.~~

~~Danville United shall elect a chairperson and vice-chairperson in accordance with the process outlined in its by-laws.~~

{Ord. No. 2013-10.15, 10-17-13}

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~~Sec. 2-405. Coordinator.~~

~~The City Manager shall designate a municipal employee to serve as coordinator and be responsible for the preparation and distribution of Danville United meeting notices, agendas, and minutes and perform other service and duties as usually pertain to such office. The Coordinator may, from time to time, assign members of the staff of the administrative departments of the City to support Danville United. The Coordinator shall not have any voting rights.~~

~~{Ord. No. 2013-10.15, 10-17-13}~~

~~Sec. 2-406. Legal representation.~~

~~The City Attorney or his designee shall be the legal advisor and counsel to Danville United.~~

~~{Ord. No. 2013-10.15, 10-17-13}~~

~~Sec. 2-407. Operations.~~

~~Danville United will function in accordance with written by-laws adopted and maintained by its membership.~~

~~{Ord. No. 2013-10.15, 10-17-13}~~

~~Sec. 2-408. Meetings generally.~~

~~(a) — Danville United shall hold public meetings no less frequently than once a quarter, with one (1) meeting designated as its annual meeting during which it shall report progress achieved during the previous year and plans for the coming year.~~

~~(b) — Additional meetings of Danville United may be called by the Chairman or by five (5) or more organizational members upon written request to the Coordinator.~~

~~(c) — Except in the case of an emergency, the Coordinator shall notify all members and the general public at least ten (10) days in advance of a meeting of Danville United fixing the time, place, and the purpose thereof. In case of an emergency, this notice requirement can be waived by the Chairman.~~

~~{Ord. No. 2013-10.15, 10-17-13}~~

~~Sec. 2-409. Quorum and voting.~~

~~(a) — Meetings of Danville United shall not require a quorum unless a formal vote on any matter is part of the meeting agenda. A quorum of Danville United membership shall be at least twenty (20) percent of its total (organizational and individual) registered membership.~~

~~(b) — Decision making will normally be accomplished by consensus.~~

~~(c) — Should formal voting be conducted, the affirmative vote of sixty (60) percent of the members present at any meeting at which there is a quorum present shall be the action of the membership.~~

~~{Ord. No. 2013-10.15, 10-17-13}~~

~~ARTICLE XX. STAUNTON RIVER REGIONAL INDUSTRIAL FACILITY AUTHORITY~~

~~Sec. 2-410. Establishment; designation.~~

~~There is hereby established a Regional Industrial Facility Authority to be known as the "Staunton River Regional Industrial Facility Authority".~~

~~{Ord. No. 2018-10.04, Exh. 1, 10-16-18}~~

~~Sec. 2-411. Definitions.~~

~~The following words, terms and phrases, when used in this article, shall have the meanings ascribed to them in this section, except where the context clearly indicates a different meaning:~~

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*Act* shall mean the Regional Industrial Facilities Act, chapter 64 of title 15.2 of the Code of Virginia, 1950, as amended.

*Agreement* shall mean the "Staunton River Cost and Revenue Sharing Agreement" by and among the County of Pittsylvania, Virginia, the Town of Hurt, Virginia, the Town of Altavista, Virginia, and the City of Danville, Virginia.

*Authority* shall mean the regional industrial facility authority created hereby by cooperative action of the City of Danville and the Other Member Localities and named herein, the "Staunton River Regional Industrial Facility Authority".

*Board of Directors* shall mean the Board of Directors of the Staunton River Regional Industrial Facility Authority.

*Governing Body* shall mean the Board of Supervisors of Pittsylvania County, the Town Council of the Town of Hurt, the Town Council of the Town of Altavista, and the City Council of the City of Danville as members of the Authority.

*Member Localities* shall mean all members of the Staunton River Regional Industrial Facility Authority, which initially include the City of Danville and the Other Member Localities.

*Other Member Localities* shall mean the Town of Hurt, Virginia, the Town of Altavista, Virginia, and the City of Danville, Virginia.

(Ord. No. 2018-10.04, Exh. 1, 10-16-18)

Sec. 2-412. Creation, name, powers, dissolution and fiscal year.

(a) — There is hereby created, pursuant to the Act and in conjunction with the adoption of an identical or substantially similar ordinance by the Other Member Localities named the "Staunton River Regional Industrial Facility Authority".

(b) — The Authority is vested with the powers of a body corporate, including the power to sue and be sued in its own name, plead and be impleaded, and adopt and use a common seal and alter the same as may be deemed expedient. The Authority shall have all rights, duties and powers provided by provision of the Act, and including such powers, rights, and duties as may hereafter be set forth from time to time in the Act.

(c) — The Authority may be dissolved by resolution of the Board of Directors in compliance with provisions for dissolution stated in the Act.

(d) — The fiscal year for the Authority shall be the same as that of the Commonwealth.

(Ord. No. 2018-10.04, Exh. 1, 10-16-18)

Sec. 2-413. Purpose.

The Authority is charged with the specific purpose to develop a regional industrial park containing approximately 603.98 acres, located in Hurt, Virginia, commonly known as the Southern Virginia Multi-Modal Park and any one (1) or more other parcels of land located in any of the Member Localities regions as regional industrial parks and for the additional purpose of future development of other industrial properties or other reasons as permitted by the Act and as agreed upon by the Member Localities.

(Ord. No. 2018-10.04, Exh. 1, 10-16-18)

Sec. 2-414. Membership.

The Member Localities of the Authority are the City of Danville and the Other Member Localities, each of which is a political subdivision of the Commonwealth of Virginia, and each of which is authorized by the

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Act to participate in the Authority. The membership may, with the approval of the Board of Directors, be expanded in compliance with provision for expansion as stated in the Act.

(Ord. No. 2018-10.04, Exh. 1, 10-16-18)

**Sec. 2-415. Member Locality Agreement.**

The Authority shall be governed by the Act, this article, and by the agreement executed by the Governing Body of each Member Locality. The Agreement shall establish the respective rights and obligations of the Member Localities and shall provide for revenue and economic growth sharing arrangements with respect to tax revenues and other income and revenues generated by any facility owned by the Authority.

(Ord. No. 2018-10.04, Exh. 1, 10-16-18)

**Sec. 2-416. Board of Directors.**

- (a) The powers, rights, and duties conferred by the Act upon the Authority shall be exercised by a Board of Directors, which shall consist of two (2) members appointed by the Governing Body of each member locality plus one (1) alternate appointed by the Governing Body of each member locality. The number of directors of the Authority may be supplemented by decision of and appointment by the Governing Bodies as permitted by the Act.
- (b) Each Member Locality shall appoint to the Board of Directors two (2) members from its Governing Body to serve an initial four (4) year term pursuant to the Act. Each Member Locality shall also appoint one (1) member from its Governing Body to serve an initial four (4) year term as an alternate director.
- (c) In order to remain a director or alternate director of the Authority such director or alternate director must also be a current member of the Governing Body. Once a director or alternate director of the Authority is no longer a member of the Governing Body, the locality will appoint a new member from its Governing Body to fill the unexpired term of the vacating director. The alternate director shall serve until a new director is appointed.
- (d) Each director and alternate director of the Board of Directors, before entering upon the discharge of the duties of the office, shall take and subscribe to the oath prescribed in section 49-1 of the Code of Virginia, 1950, as amended, and shall serve in compliance with the Act, this section, and the Agreement.
- (e) The Board of Directors shall adopt bylaws, rules and/or regulations to carry out the provisions of the Act. The bylaws, rules, or regulations shall, among other things, specify the principal office for the Authority, identify the schedule and place for meetings of the Board of Directors, and provide for the general administration of the operations of the Authority.
- (f) The alternate director may act in place of the director of the same Member Locality if such director is not present at any meeting of the Authority. If the other two (2) directors for a Member Locality are present, the alternate does not have the right to vote.
- (g) It shall require a simple majority of the Board of Directors to act unless a greater number is specified in such bylaws, rules and/or regulations, and a simple majority shall constitute a quorum.
- (h) Each director of the Board of Directors shall be reimbursed for actual expenses incurred in the performance of their duties from funds available to the Authority.

(Ord. No. 2018-10.04, Exh. 1, 10-16-18)

**Sec. 2-417. Principal office location, records, and title to property.**

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The principal office of the Authority shall be located in Pittsylvania County. All records shall be kept at such office. The title to all property of every kind belonging to the Authority shall be titled in the name of the Authority, which shall hold such title for the benefit of its Member Localities.

(Ord. No. 2018-10.04, Exh. 1, 10-16-18)

~~Sec. 2-418. Funding.~~

~~Funding of the Authority shall be by appropriation as decided from time to time by the Governing Bodies of the Member Localities and from such other sources as are identified in the Agreement.~~

(Ord. No. 2018-10.04, Exh. 1, 10-16-18)

~~Sec. 2-419. Required reports.~~

~~(a) — *Annual reports.* The Board of Directors shall report to the Governing Body of each Member Locality annually, on or before the last March meeting of the Governing Body, on the activities of the Authority. In addition to oral presentation at the meeting, a written annual report shall be provided prior to the meeting and shall contain, at a minimum, the following information:~~

- ~~(1) — A financial update through December 31 of the current fiscal year;~~
- ~~(2) — After completion of the first fiscal year, an audited financial report showing expenditures and revenues and a statement showing the operating and financial condition at the end of the preceding fiscal year;~~
- ~~(3) — A written report, approved by the Board of Directors, of the activities and accomplishments of the Authority and recommendations regarding future activities of the Authority; and~~
- ~~(4) — A list of tenants, purchasers or other persons occupying the Southern Virginia Multi-Modal Park or any other regional industrial facilities developed by the Authority.~~

~~(b) — *Special reports.* Upon written request of the Governing Body of any Member Locality, the Board of Directors shall report to the Governing Body within thirty (30) days of receipt of the request or within a longer period if so provided in the written request. The special report shall describe the activities and financial status of the Authority within the six (6) month period immediately preceding the request, or as otherwise specified in the written request and shall be furnished to each Member Locality. A written report shall be provided if requested.~~

(Ord. No. 2018-10.04, Exh. 1, 10-16-18)

ARTICLE I. - CITY COUNCIL

Sec. 2-1. – Purpose; Validity of prior rules, policies, and appointments.

(a) *Purpose.* Pursuant to the authority granted to the City by the Constitution and other laws of the Commonwealth, the City Charter, and its inherent authority, the City does hereby adopt the following chapter to establish the administrative functions of the City government, promote the efficient and effective organization thereof, require accountability and good stewardship from City officers and employees, ensure fairness and due process for City residents when interacting with the City government, and enable the City government to execute its laws and programs for the betterment of the health, safety, and general welfare of the residents of Danville. The application of the provisions of this chapter.

(b) *Prior acts and appointments unaffected.* Nothing in this chapter or its ordinance of adoption, shall affect any law, rule, or policy relating to the personnel system and policies of the City, including but not limited to, personnel administration, position classification, departmental organization and division, and pay plans for officers and employees, nor shall such chapter or ordinance affect any rule, policy, bylaw, or order legally made by any City department, board, officer, or employee, in force upon the effective date of this chapter,

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and all such laws, rules, policies, bylaws, and orders are hereby continued in full and remain valid. Any City officer, including but not limited to, the member of any City board or commission created by ordinance, who is selected or appointed for a specified term beginning prior to the effective date of this chapter, and whose term has not yet expired upon such effective date, shall continue to hold such office until the original term expires.

Sec. 2-2. – City Council generally.

- (a) *Governing body.* The Council of the City of Danville shall be the governing body of the City.
- (b) *General powers and duties.* The Council is hereby vested with all legislative powers and duties allowed to it by the laws of the Commonwealth of Virginia and the City of Danville.
- (c) *Rules and procedures.* The Council may promulgate, establish, amend, or rescind such rules and procedures, consistent with the Charter and other law, as it deems are necessary to conduct its meetings and carry out its legal duties and powers. Such rules and procedures shall establish the time and location of regular Council meetings, provided that at least one (1) is held in each month.
- (d) *Budget.* The Council alone possesses the power to adopt the City budget or to authorize the appropriation or encumbrance of the public funds of the City. No contract shall be entered into or expenditure authorized on behalf of the City, unless an appropriation covering the amount of such contract or expenditure has been authorized by the Council. To the maximum extent allowed by law, any contract or appropriation made in violation of this subsection shall be considered void.

**Charter references — City officers, § 1-3; Council meetings, § 2-4; Legislative powers, § 2-5.**

Sec. 2-3. – Appointing and removing certain officers.

- (a) *Appointment.* The Council shall appoint the City Manager, the City Attorney, the City Clerk, and the members, commissioners, and trustees of the various City boards and commissions when such power of appointment is vested in it by law.
- (b) *Removal.* The Council may, by a majority vote of the whole body, remove from office any member, commissioner, trustee, or other City officer appointed by it, for malfeasance, misfeasance, nonfeasance, incapacity, or any other good cause.

**Charter references — City officers, § 1-3; City Manager, § 3-1; City Attorney, § 3-2; City Clerk, § 3-3.**

Sec. 2-4. – Vacancies in office.

- (a) *Generally.* If a vacancy in the Council shall occur, such vacancy shall be filled in accordance with the City Charter and Virginia law.
- (b) *Appointment.* When the Council shall be permitted to make an interim appointment to fill a vacancy, prior to making such appointment, the Council shall accept applications from interested persons, select finalists

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therefrom, and conduct public interviews of each finalist. The Council may select as many finalists from the applications as it desires, provided that the first runner-up in the most recent Council election shall automatically be considered a finalist.

**Charter references — Council vacancies, § 2-2.**

Sec. 2-5. – Disciplining members.

The Council may, by a majority vote of the whole body, punish a Council member for disorderly behavior by a fine of fifty dollars (\$50.00), and by a vote of three-fourths (3/4ths) of its whole number, expel a Council member for misconduct in office.

**Charter references — Council meetings, § 2-4; Legislative powers, § 2-5.**

Secs. 2-6—2-20. - Reserved.

**ARTICLE II. - CITY MANAGER**

Sec. 2-21. – City Manager generally.

- (a) Chief executive. The City Manager shall be the chief executive officer of the City and shall be responsible to the Council for the proper and efficient administration of the City government, and all of its laws, programs, policies, and affairs.
- (b) General powers and duties. The City Manager shall, in the furtherance of his office, and consistent with law, possess the following powers and duties:
- (1) Administrative control. To exercise supervision and control over all City administrative departments, divisions, and the officers and employees thereof;
  - (2) Legal documents. To execute all contracts, deeds, and other legal instruments on behalf of the City;
  - (3) Custodian of real property. To exercise custody and control over all City-owned buildings and other real property;
  - (4) Custodian of personal property. To exercise custody and control over all City-owned personal property and to sell any such property, provided that any sale pursuant to this power shall be sold through a competitive process, when feasible, to obtain the highest price;
  - (5) Budget. To, annually and in a timely manner, prepare and submit to the Council a proposed budget and a proposed schedule of all fees, other than those set out elsewhere in this Code, to be charged by the City for services rendered or permits or licenses issued during the ensuing fiscal year;

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- (6) Reports. To prepare and submit, or to authorize or require the preparation and submission, of reports and such other presentations to the Council, when he deems such reports and presentations would be beneficial to the Council or upon request thereby; and
- (7) Meetings. To attend all meetings of the Council and of any City board or commission to which he is not otherwise entitled to attend by law.
- (c) Rules and policies. The City Manager may promulgate, establish, amend, or rescind rules and policies, consistent with law, as he deems necessary to interpret or carry out his duties and to ensure the fair and proper administration of the City government.
- (d) Delegation of powers and duties. The City Manager may delegate any power, duty, or responsibility granted to him by this Code to a designee, consistent with law. Unless otherwise prohibited by law, any reference in this Code to the City Manager shall impliedly include his designee.

**Charter reference — City Manager, § 3-1.**

Sec. 2-22. – Deputies; Assistants; Acting City Manager.

- (a) Deputies. The City Manager may appoint one (1) or more Deputy or Assistant City Managers, as authorized by the Council. Each Deputy or Assistant City Manager shall oversee the administration of those City departments assigned to him by the City Manager. A Deputy or Assistant City Manager may also serve as the director of a City department and shall have such other duties as may be prescribed by the City Manager.
- (b) Assistants. The City Manager may appoint one (1) or more assistants, as are authorized by the Council. Assistants shall have such duties as may be prescribed by the City Manager.
- (c) Acting City Manager. The City Manager may temporarily designate a Deputy or Assistant City Manager, assistant, or Department Director as Acting City Manager to perform his duties during his absence or disability. Any such designation that is to exceed thirty (30) days shall be expressly approved by the Council.

**Charter reference — City Manager, § 3-1.**

Sec. 2-23. - Appointment and removal of officers and employees.

- (a) Appointing employees. The City Manager shall appoint all such City officers and employees as the Council determines are necessary for the proper administration of the affairs of the City, except those appointed by the Council pursuant to the Charter, the deputies and assistants thereof, and those whose appointment is otherwise provided for in this Code. The City Manager shall designate from amongst such City officers and employees, a chief financial officer, chief law enforcement officer, assessor, engineer, zoning administrator, building code official, and such other local positions as are required by the laws of the Commonwealth to exist.
- (b) Removing employees. The City Manager shall have power to discipline and remove any officer or employee so appointed or designated by him at-will, provided that the removal of any officer or employee whose tenure is protected by Virginia law, shall only be for-cause.

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**Charter reference — City Manager, § 3-1.**

**Sec. 2-24. Emergency Management.**

- (a) Director and Coordinator of Emergency Management. In accordance with Va. Code §44-146.19, the City Manager shall be the Director of Emergency Management. He may appoint an Emergency Management Coordinator, with the consent of the Council.
- (b) Mutual aid agreements. The City Manager, in collaboration with other public and private agencies within the Commonwealth or within an adjacent State, may develop or cause to be developed mutual aid arrangements for reciprocal assistance in case of an emergency or disaster too great to be dealt with unassisted.
- (c) Emergency plan. The City Manager shall prepare and keep current a local or interjurisdictional emergency plan for the area. The plan shall include, but not be limited to, responsibilities of all local departments and agencies, continuity plans, and an established chain of command.
- (d) Declaration of emergency. The City Manager may declare a local emergency, with the consent of the Council. In the event the Council cannot convene due to the disaster, the City Manager, or any member of the Council in the absence of the City Manager, may declare the existence of a local disaster, subject to confirmation by the Council at the next regularly scheduled meeting or a special meeting held within forty-five (45) days of the declaration, whichever occurs soonest. The Council, when in its judgment all emergency actions have been taken, shall take appropriate action to end the declared emergency.
- (e) Curfews. The City Manager is authorized and empowered to impose curfew regulations covering the entire City, when it appears that such restriction is necessary to preserve the peace and good order of the City, in accordance with law.
- (f) Public buildings. The City Manager is authorized to close any and all public buildings of the City, when such restriction appears necessary to preserve property, the safety of individuals or the peace and good order of the City.
- (g) Water shortages. The City Manager is authorized to declare and terminate water shortages of any degree of severity, consistent with the City emergency drought management plan, and to enforce those restrictions on water use required thereby.

**State law references — Powers and duties of political subdivisions, Va. Code § 44-146.19; Joint action by political subdivisions, § 44-146.20; Declaration of local emergency, § 44-146.21; Regulation of assemblies or movement of persons or vehicles under certain circumstances; curfew; penalty, § 15.2-925; Purchase, sale, use of real property, § 15.2-1800.**

**Secs. 2-25—2-30. - Reserved.**

**ARTICLE III. - CITY ATTORNEY**

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Sec. 2-31. – City Attorney generally.

- (a) Chief legal officer. The City Attorney shall be the chief legal officer of the Council, the School Board of the City, the City Manager, and all City departments, boards, and commissions in any matter affecting the interests of the City.
- (b) General powers and duties. The City Attorney shall, in the furtherance of his office, and consistent with law, possess the following powers and duties:
- (1) Cases and other legal proceedings. To represent the City and the School Board as counsel and exercise management and control over any case or other legal matter involving the City or School Board, or in which it has an interest, and to initiate and conduct legal proceedings necessary to protect the interests thereof. The City Attorney shall defend and advocate for the legality of any valid City law, act, right, or other interest when challenged, as well as for any City officer or employee when any act performed in the discharge of official duties thereby is challenged; provided that in any proceeding to which a City officer or employee has been named a defendant in a personal capacity, the City shall employ legal counsel outside of the City Attorney's office to defend him and shall pay any cost, expense, settlement, or judgment arising therefrom, out of funds provided therefor by the Council;
  - (2) City laws. To prepare or approve as to form any ordinance or resolution for introduction to the Council or School Board and to examine any existing ordinance or resolution and provide an official opinion as to its form and legality;
  - (3) Legal documents. To draft or approve as to form all contracts, deeds, and other legal instruments to which the City or School Board is a party or in which it has an interest;
  - (4) Reports. To prepare and submit, or to authorize or require the preparation and submission, of reports and such other legal opinions to the Council, School Board, City Manager, or other City officers or staff when he deems such reports and opinions would be beneficial thereto or upon request thereby; and
  - (5) Meetings. To attend all meetings of the Council, the School Board, and of any City board to which he is not otherwise entitled by this Code to attend by law.
- (c) Rules and policies. The City Attorney may promulgate, establish, amend, or rescind rules and policies, consistent with law, as he deems necessary to interpret or carry out his duties and to ensure the fair and proper administration of the legal affairs of the government.
- (d) Delegation of powers and duties. The City Attorney may delegate any power, duty, or responsibility granted to him by this Code to a designee, consistent with law. Unless otherwise prohibited by law, any reference in this Code to the City Attorney shall impliedly include his designee.

**Charter reference — City Attorney, § 3-2.**

Sec. 2-32. – Deputies; Assistants; Outside counsel.

- (a) Deputies. The City Attorney may appoint one (1) or more Deputy or Assistant City Attorneys, as authorized by the Council. Each Deputy or Assistant City Attorney shall oversee the legal matters assigned to him by the City Attorney.
- (b) Assistants. The City Attorney may appoint one (1) or more assistants, as are authorized by the Council. Assistants shall have such duties as may be prescribed by the City Attorney.

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(c) Outside counsel. The City Attorney shall be the only City officer or employee authorized to employ legal counsel outside the City Attorney's office to represent the City. The City Attorney shall obtain consent of the City Council or, in cases of emergency, the consent of the Mayor, or the Vice Mayor in his absence, prior to employment of legal counsel outside the City Attorney's office. The consent of City Council shall not be required however, when legal counsel is provided as a part of the coverage of a City insurance policy. The City Attorney shall review and approve every invoice submitted by outside legal counsel prior to payment, except for any invoice submitted pursuant to coverage under a City insurance policy.

**Charter reference — City Attorney, § 3-2.**

Sec. 2-33. - Settlement of claims.

- (a) Small claims. The City Attorney is authorized to adjust, settle, compromise, or submit to arbitration any action, cause of action, account, debt, claim, or demand of any kind which is against the City, which the City may have against any person, or in which the City is concerned as debtor or creditor, provided such decision does not involve or require payment to exceed ten thousand dollars (\$10,000.00) per claim or demand. With the approval of the City Manager, the City Attorney may do likewise in matters not involving or requiring payment to exceed twenty-five thousand dollars (\$25,000.00) per claim or demand. The chief financial officer shall certify that the funds to settle any such claims have been appropriated and are available therefor prior to the execution of such settlement.
- (b) Large claims. In all other such matters involving the payment of money by or to the City, the City shall bring the matter to the attention of the Council in closed session for its consideration.

Secs. 2-34—4-40. - Reserved.

**ARTICLE IV. - CITY CLERK**

Sec. 2-41. – City Clerk generally.

- (a) Chief custodian of records. The City Clerk shall be the clerk for the Council, the chief custodian of its records, and shall be responsible thereto for the proper organization and administration of its meetings, proceedings, and other affairs.
- (b) General powers and duties. The City Clerk shall, in the furtherance of his office, and consistent with law, possess the following powers and duties:
- (1) Meetings. To attend all meetings of the Council, keep the journal of any Council proceeding, and prepare, publish, and distribute all notices, advertisements, agendas, and minutes for the Council and its meetings and public hearings. The Clerk shall call the roll at Council meetings;
  - (2) Public records. The Clerk shall compile, keep, and maintain a record of all ordinances, resolutions, and other documents and records of the Council, all deeds, contracts, and other legal instruments to which the City is a party, and all other documents or records assigned to his custody by the City Manager, the Council, or by law. The Clerk shall compile, keep, and maintain a record of all oaths given and all financial disclosures and conflicts of interest statements filed by the Council and any other City officer or employee, in accordance with law. The Clerk shall make any document or

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other record in his custody available for inspection and copying by the Council, City officers, or members of the public upon request, consistent with law;

- (3) Filings. The Clerk shall accept petitions, appeals, applications, and other filings and notices on behalf of the City and the Council, as prescribed by law;
- (4) City seal. The Clerk shall be the custodian of the corporate seal of the City and shall be the officer authorized to use, authenticate, and attest to such seal. He shall also authenticate the emeritus City seal;
- (5) Other duties. The Clerk shall perform for the Council such other services and duties customarily pertaining to such office. The Clerk may hold any other office or position in the City government to which he may be appointed by the Council or the City Manager.
- (c) Rules and policies. The City Clerk may promulgate, establish, amend, or rescind rules, policies, and filing systems, consistent with law, as he deems necessary and proper to interpret or carry out his duties and to ensure the orderly filing, keeping, and sharing of all records charged to his custody.
- (d) Delegation of powers and duties. The City Clerk may delegate any power, duty, or responsibility granted to him by this Code to a designee, consistent with law. Unless otherwise prohibited by law, any reference in this Code to the City Clerk shall impliedly include his designee.

**Charter reference — City Clerk, § 3-3.**

Sec. 2-42. – Deputies; Assistants.

- (a) Deputies. The City Clerk may appoint one (1) or more Deputy or Assistant City Clerks, as authorized by the Council. Each Deputy or Assistant City Clerk shall oversee the administrative matters assigned to him by the City Clerk.
- (b) Assistants. The City Clerk may appoint one (1) or more assistants, as are authorized by the Council. Assistants shall have such duties as may be prescribed by the City Clerk.

**Charter reference — City Clerk, § 3-3.**

Sec. 2-43. - City seal.

- (a) Design. The corporate seal of the City shall be circular in form, one and seven-eighths inches (1 7/8 in.) in diameter, with: a braided edge; the words "City of Danville, Virginia" appearing on the circumference; a sheaf of wheat positioned on either side of the word "Virginia"; the numbers "17" on left side of the border and "93" on the right side of the border; a design in the center depicting a bridge over a river with the sun above the bridge; and the word "Seal" appearing in the center.
- (b) Example. An imprint of the City seal, adopted on April 2, 2024, is attached hereto as Exhibit "A".
- (c) Validity. Only the City seal adopted herein shall be used upon any City document, and no City document requiring the City seal shall be valid, unless the seal adopted herein shall be duly affixed thereto, attested by the City Clerk.

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**Charter reference — City Clerk, § 3-3.**

**Sec. 2-44. - Emeritus City seal.**

- (a) Design. The emeritus City seal was circular in form, one and seven-eighths inches (1 7/8 in.) in diameter, with the words "City of Danville, Virginia", "Founded 1793", "Chartered 1830", and "Seal" appearing on the circumference and with a design in the center depicting industry, education, agriculture, and transportation.
- (b) Example. An imprint of the emeritus City seal, adopted on April 10, 1957, and retired on April 2, 2024, is attached hereto as Exhibit "B".
- (c) Validity. The emeritus City seal shall not be affixed to any City document issued after the retirement thereof. Any City document to which the emeritus City seal has been affixed remains valid if such document was sealed prior to the adoption of the current City seal, upon authentication by the City Clerk.

**Secs. 2-45—2-50. - Reserved.**

**ARTICLE V. - CITY TREASURER**

**Sec. 2-51. – City Treasurer generally.**

- (a) Chief custodian of public funds. The City Treasurer shall be the chief custodian of all City money and of all other public funds coming into his possession in his capacity as treasurer, and shall be responsible to the Council for the safe, prudent, and proper protection thereof.
- (b) General powers and duties. The City Treasurer shall, in the furtherance of his office, and consistent with law, possess the following powers and duties:
- (1) Custodian of public funds. To receive and promptly deposit all money and other public funds belonging to or coming into the possession of the City and to disburse and pay all properly authorized accounts, warrants, and other legal demand instruments submitted to him for payment, consistent with law. This shall include any public funds from or owed to the School Board, the Commonwealth, the United States, and any political subdivision thereof. The City Treasurer shall have custody over any investments or invested funds owned by the City or in its possession in a fiduciary capacity, unless otherwise provided by law or the terms of any trust.
- (2) Selection of depository institutions. To select the banks, savings and loan associations, and other depository institutions with which City money shall be kept and preserved, consistent with law. No depository institution shall be selected, unless it is a qualified public depository pursuant to Va. Code § 2.2-4401 and is secured pursuant to the Virginia Security for Public Deposits Act (Va. Code § 2.2-4400 *et seq.*). No depository institution shall be selected or continued to be used if such institution has been found to be committing discriminatory practices by a court of competent jurisdiction, pursuant to Va. Code § 36-96.4;

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- (3) Bonds. To register, receive, deliver, exchange, retire, and protect all validly issued City bonds and notes, consistent with law;
- (4) Record keeping. To compile, keep, and maintain a record of any check, money, or other payment collected by or made to the City along with the source thereof, any check, warrant, or other disbursement made by the City, and any other financial document or information assigned to his custody by the City Manager, the Council, or by law. The Treasurer shall make any record or other document in his custody available for inspection and copying by the Council, City Manager, or other City officers at all times, and to members of the public upon request, consistent with law. The Treasurer shall transfer possession of all such records, together with any balance or money on hand, to his successor in office, or to the Council upon written request;
- (5) Reports. To prepare and submit, or to authorize or require the preparation and submission, of reports, accountings, and such other information to the Council, City Manager, or other City officers when he deems such would be beneficial thereto or upon request thereby. This shall include a monthly report to the chief financial officer showing the state of the treasury on the last day of the previous month along with the balance of money on hand at that time, a statement of all money received during the previous month and on what account, a list of all checks and warrants paid during the previous month, and such other information, accountings, and statements as requested by the chief financial officer. This shall also include an annual accounting made no more than fifteen (15) days after the end of the fiscal year showing a full and detailed accounting of all receipts and disbursements made during the previous fiscal year;
- (6) Notices. To prepare, publish, and distribute all notices and advertisements required of such office by law; and
- (7) Other duties. To perform for the Council such other services and duties customarily pertaining to such office, as required by law.
- (c) Rules and policies. The City Treasurer may promulgate, establish, amend, or rescind rules, policies, and filing systems, consistent with law, as he deems necessary and proper to interpret or carry out his duties and to ensure the prompt and orderly receipt, deposit, disbursement, documentation, and sharing of all account and other records charged to his custody.
- (d) Delegation of powers and duties. The City Treasurer may delegate any power, duty, or responsibility granted to him by this Code to a designee, consistent with law. Unless otherwise prohibited by law, any reference in this Code to the City Treasurer shall impliedly include his designee.

**Charter reference — City Treasurer, § 4-2.**

**Sec. 2-52. – Deputies; Assistants.**

- (a) Deputies. The City Treasurer may appoint one (1) or more Deputy or Assistant City Treasurers, as authorized by the Council. Each Deputy or Assistant City Treasurer shall oversee the administrative matters assigned to him by the City Treasurer.
- (b) Assistants. The City Treasurer may appoint one (1) or more assistants, as are authorized by the Council. Assistants shall have such duties as may be prescribed by the City Treasurer.

**State law reference — Treasurer, Va. Code § 15.2-1608.**

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Sec. 2-53. - Disbursements of public funds.

- (a) City funds. City funds under the custody of the City Treasurer shall be paid out by voucher or check only when issued by the chief financial officer and countersigned by the City Treasurer, provided that the chief financial officer may independently issue utility consumer deposit fund checks and imprest cash funds checks.
- (b) School Board funds. City funds under the custody of the City Treasurer which are designated for public school purposes shall be credited to the order of the School Board and shall be paid out by voucher or check only on the order of the Board when issued by the Clerk of the School Board and countersigned by its Chairman.
- (c) Facsimile signatures. To the extent allowed by law, any signature required by this section may be made manually or by means of a device or machine, and any bank designated as a City depository shall honor all City checks signed by device or machine in the same manner as manually signed checks.

**State law references** — Financial officer, Va. Code § 15.2-1537; Disposition of state funds locally collected, Va. Code § 15.2-1537.1; Form and manner of execution, Va. Code § 15.2-2613.

Sec. 2-54. – Additional charges and fees.

- (a) Delinquent finance charges. Any invoice, charge, or other amount owed to the City which is not paid within thirty (30) days of the initial bill or prior to the issuance of the next subsequent bill therefor, whichever is later, shall be subject to a delinquent finance charge at a rate of ten percent (10%) per annum or the maximum amount allowed by law, whichever is lesser, applied monthly to the delinquent amount, unless some other penalty, interest, or other late fee is otherwise required by law. The City shall collect and account for any delinquent finance charge in the same manner as is authorized for other City revenue.
- (b) Bad check service fees. Any person who utters, publishes, or passes to the City, in payment of any amount owed thereto, any check, draft, or order which is subsequently returned unpaid because there are insufficient funds, there is no account, the account has been closed, or such check, draft, or order is subject to a stop-payment order placed in bad faith by the drawer, shall pay a service fee to the City of the maximum amount allowed by law for each such occurrence.

**State law references** — Penalty and interest for failure to pay accounts when due, Va. Code § 15.2-105; Ordinances providing fee for passing bad checks to localities, Va. Code § 15.2-106; Counties, cities, and towns may provide dates for filing returns and set penalties, interest, Va. Code § 58.1-3916.

Sec. 2-55. – Investment of idle funds.

Notwithstanding the provisions of this article, the chief financial officer is hereby authorized to invest or deposit any idle funds belonging to the City or in its possession, including but not limited to the proceeds of any bond pending the use of such proceeds, in any security, investment, or revenue-producing deposit allowed by law.

**Charter reference** — City Treasurer, § 4-2.

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**State law reference — Investment of proceeds pending application to authorized purpose, Va. Code § 15.2-2619.**

Secs. 2-56—2-60. - Reserved.

ARTICLE VI. - RESERVED

Secs. 2-61—2-70. - Reserved.

ARTICLE VII. - CITY WORKFORCE

DIVISION 1. - CITY DEPARTMENTS

Sec. 2-71. – Obstructing City officers or employees.

It shall be a Class 1 misdemeanor for any person to knowingly, without just cause:

- (1) *Obstruct City officers.* Obstruct any judge, magistrate, justice, juror, attorney for the Commonwealth, witness, law enforcement officer, or any other City officer or employee lawfully engaged in the performance of his duties, or to fail or refuse to cease such obstruction when requested to do so thereby;
- (3) *Threaten City officers.* Attempt to intimidate or impede any judge, magistrate, justice, juror, attorney for the Commonwealth, witness, law enforcement officer, or other City officer or employee lawfully engaged in the performance of his duties, by threats or force; or
- (4) *Obstruct justice.* Obstruct or impede the administration of justice in any court in the City.

**State law reference — Obstructing justice, Va. Code § 18.2-460.**

Sec. 2-72. - Composition.

- (a) *Organization.* The functions of the City government shall be organized into such departments, as may be provided by the orders of the City Manager, consistent with law. Each department of City government shall consist of a director and such other officers and employees, organized into such divisions, as may be provided by the orders of the director, with the approval of the City Manager. The City Manager is hereby empowered to create, alter, abolish, combine, assign, reassign, or redistribute any department or division, or the duties thereof, to any other department or division of the City.
- (b) *Temporary departments.* The City Manager is hereby empowered to create, alter, and abolish temporary departments to perform special work, provided the Council appropriates sufficient funding for the operation thereof. No temporary department created pursuant to this subsection shall exist for more than two (2) years.

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**State law references** — Organization of local government, Va. Code § 15.2-1500; Designation of officers to perform certain duties, Va. Code § 15.2-1501.

**Charter reference** — City Manager, § 3-1.

Sec. 2-73. – Department directors.

- (a) Generally. Each department established by this article shall be under the direction and supervision of a department director whose title and duties generally shall be as set forth in the position classification and pay plan of the City, as approved by the Council.
- (b) Appointment. Each director shall be appointed by and serve at the pleasure of the City Manager for an indefinite term.
- (c) Powers and duties. Each department director shall perform such duties as may be required of him by law and such other duties relating to his department as may be required of him by the City Manager. Except as otherwise provided by law, each department director shall appoint and remove, subject to the approval of the City Manager, all other officers and employees within his department as have been authorized by the Council. Each department director shall have power to make rules and policies, with the consent of the City Manager, for the conduct of its assigned duties, consistent with law.
- (d) Delegation of powers and duties. Each department director may, with the consent of the City Manager, delegate any power, duty, or responsibility granted to him by this Code to a designee, consistent with law. Unless otherwise prohibited by law, any reference in this Code to a department or division director shall impliedly include his designee.

**State law reference** — Employment of certain deputies and assistants, Va. Code § 15.2-1502.

Sec. 2-74. - Division directors.

- (a) Generally. Each division of a City department shall be under the direction and supervision of a division director whose title and duties generally shall be as set forth in the position classification and pay plan of the City, as approved by the Council.
- (b) Chain of command. Each division director shall report directly to the director of the department to which his division is assigned. If the position of department director is vacant, the division directors of that department shall report directly to the City Manager until such time as an acting or permanent department director is appointed.

**State law reference** — Organization of local government, Va. Code § 15.2-1500.

Sec. 2-75. – Departmental financial policies.

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- (a) Financial records. Each City department shall create, maintain, and secure all of its fiscal accounts, statements, and other financial records in such system and manner as is required by the chief financial officer. Such records shall be made available to him for inspection and audit upon request.
- (b) Employee payroll. Each City department shall provide the chief financial officer with such information relating to its officers and employees, as he deems is necessary for him to properly prepare and issue salary, wage, and other payroll compensation therefor. The City may temporarily adjust future compensation payments to any City officer or employee to recover any amount that has been improperly or erroneously paid thereto, in accordance with law.

**State law reference** — Recovery of certain improper payments to state officers and employees, Va. Code § 2.2-804.

Sec. 2-76. – Requirements for certain City officers or employees.

- (a) Bonds. The City shall provide a bond covering the City officers and employees in such amount as is required by State law and approved by the City Manager, payable to the City and conditioned upon the honest and faithful discharge of the public duties of such officers and employees.
- (b) Conflicts of interest. Each City officer and employee is subject to and shall comply with the State and Local Government Conflict of Interests Act (Va. Code §§ 2.2-3100 *et seq.*) and shall, when required by law or the personnel policies of the City, timely file any financial disclosures required by law with the City Clerk, in accordance with law.
- (c) Residency requirements. During their tenure in office, the City Manager, any Deputy City Manager or Assistant City Manager, and the City Attorney shall reside within the City.
- (d) Certain contracts. Pursuant to Va. Code § 40.1-57.2, the City shall not recognize any person or association as a bargaining agent on behalf of any City officer or employee for the purpose of negotiating contracts or other terms and conditions of employment, to the maximum extent allowed by law.

**State law references** — State and Local Government Conflict of Interests Act, Va. Code § 2.2-3100 *et seq.*; Employment based on residency prohibited for certain employees, Va. Code § 15.2-1505; Bonds of officers, § 15.2-1527.

Secs. 2-77—2-100. - Reserved.

ARTICLE VIII. – CITY BOARDS AND COMMISSIONS GENERALLY

Sec. 2-101. – Applicability; Staggering of terms; residency.

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- (a) Applicability. As used in this article, the term *board* includes any City board, committee, commission, authority, or other appointed body provided for in Articles IX – XIII of this chapter. The requirements of this article shall apply to all City boards, unless otherwise specified by this chapter.
  - (b) Staggering of terms. Whenever a City board is newly created, the inaugural members shall be appointed to staggered terms, such that the initial terms of a near equal number of the inaugural members shall expire early each year, in proportion to the number of years of a full term. Upon such early expiration, all subsequent appointments shall be for a full term. Service by any inaugural member for a term that expires early shall not count towards any term limits required by this article. The Council shall determine the assignment of the inaugural members into such staggered terms.
  - (c) Residency of board members. Unless otherwise expressly allowed by law, any person appointed to a City board shall be a resident of the City.

**State law reference** — Employment based on residency prohibited for certain employees, Va. Code § 15.2-1505.

Sec. 2-102. – Oath of office.

- (a) Oath of office. Every person appointed by the Council to any City office or board shall, before exercising the duties of his office, take and subscribe to the oath prescribed by Virginia law for State officers.
- (b) Administration of oath. Such oath may be administered by the Clerk of the Circuit Court, the City Clerk, or any person authorized to administer oaths under Virginia law.
- (c) Certification of oath. A certificate of every such oath having been taken shall be filed with the City Clerk unless otherwise provided by law, and shall be maintained thereby as a public record.
- (d) Validity of existing oaths. Separate oaths shall not be required from a person appointed by Council to a City board if such person:
  - (1) City Council. Is a current member of the Council or another local governing body in the Commonwealth; or
  - (2) Other official. Is currently holding an elected or appointed office in the Commonwealth for which the same oath has already been given and whose existing term of office exceeds the term of the new appointment, including but not limited to any elected local officers.
- (e) Not required. An oath shall not be required from a person appointed to a City board if such person:
  - (1) City Manager. Is the City Manager or the chief executive of another locality in the Commonwealth;  
or
  - (2) Non-voting member. Is only an *ex officio* or non-voting board member.

**Charter reference** — City officers, § 1-3.

**State law references** — Oath and bond, Va. Code § 15.2-1512; Form of general oath required of officers, Va. Code § 49-1; Who may administer oaths to officers, Va. Code § 49-3.

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Sec. 2-103. – Terms of board members.

- (a) Term Limits. No person appointed as a voting member to any City Board shall be eligible for reappointment to the same position if such person has served four (4) consecutive terms when the term of office is for three (3) years or less or for three (3) consecutive terms when the term of office is for four (4) years or more. When a person is appointed to fill less than fifty percent (50%) percent of the unexpired term of a prior appointee, such term of office shall not be counted as a term of office in enforcing or applying this limitation. However, in no case shall a person serve more than fifteen (15) consecutive years on any board. Any person ineligible for reappointment to a board under the provisions of this Section shall again be eligible for reappointment to such board after at least one (1) full year has elapsed since the expiration of his last term of office.
- (b) Expiration of term. Whenever the term for the member of any City board is fixed by law, such member shall continue to hold office after the expiration of such term until his successor is appointed and qualified, except when the board member is a member of the Council or any other local elected body or officer, in which case such term shall terminate immediately upon such member no longer holding such office. The term of an appointment to any City board shall begin on January 1, unless such board operates in accordance with the fiscal year, in which such case the term shall begin July 1.
- (c) Absenteeism. Any person appointed to a board who fails to attend seventy-five percent (75%) of the regular meetings of said board in any twelve (12) month period shall be deemed to have resigned from such office. The appointment by Council of another person to fill said office shall constitute an acceptance of the resignation.
- (d) Removal. Any person appointed to a board by the Council may be removed for malfeasance, misfeasance, nonfeasance, incapacity, or any other good cause by a majority vote of the whole Council.
- (e) Vacancy. Any vacancy occurring in the voting membership of any board will be filled for the unexpired term in the same manner as the office was previously filled.
- (f) Calendar year. Each City board shall begin its calendar year on January 1 and conclude on December 31, other than the Utility Commission and any Asset Board which shall begin their calendar year on July 1 and conclude on June 30.

Sec. 2-104. – Conflicts of interest.

- (a) Voting. Each voting member appointed to any City board shall be required to vote on each item presented for a vote at any meeting thereof at which he is present, unless such member has a valid conflict of interest, in which case such member shall note the presence of such conflict for the record.
- (b) Financial disclosure. Each voting member appointed to any City board shall timely file any financial disclosures required by law with the City Clerk.

**State law reference** — State and Local Government Conflict of Interests Act, Va. Code §§ 2.2-3100 *et seq.*

Sec. 2-105. – Meetings.

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- (a) Regular meetings. Each City board shall convene and conduct meetings for the handling of its general business and duties in regular intervals at a fixed time, date, and place as determined by the board in its bylaws. A copy of the fixed time, date, and place of regular meetings for each board shall be posted on the City's public government website and in a prominent location in the City Clerk's office. If the date of a regular meeting falls on a legal holiday observed by the City, the meeting shall be held on the next business day following such holiday, unless a different day is otherwise fixed by the board at a previous regular meeting. Each City board shall regularly meet to carry out its duties in a timely manner, but in no case shall any action board meet fewer than eight (8) times annually, nor shall any advisory or asset board meet fewer than four (4) times annually. Appeal boards and ad hoc boards need only meet when there is proper business requiring action from such board. Any Board may cancel a regular meeting if there are no business items properly before the board or due to inclement weather or similar unforeseen circumstances.
- (b) Special meetings. A special meeting of any City board may be called upon written request to the secretary of such board by the Mayor, the City Manager, the board Chairman, or any two (2) board members. The secretary shall provide written notice to all board members at least three (3) business days in advance of any special meeting, except in the case of an emergency in which case such notice shall be provided at least three (3) hours before the time designated on the notice. Written notice shall not be required to be provided to a member if:
- (1) Regular meeting notice. the time and place of the special meeting has been fixed at a regular meeting;
  - (2) Attendance. the member is present at the special meeting; or
  - (3) Waiver. the member has waived notice in writing.
- (c) Quorum. A majority of the members of any board shall constitute a quorum and no action of any board shall be valid unless authorized by a majority vote of those present and voting unless the abstention from a member with a valid conflict of interest results in a lower vote total.
- (d) Officers. Each City board shall elect from its membership a Chairman, Vice-Chairman, and if desired by the board, a Deputy Vice-Chairman, each for a one (1) year term at its inaugural meeting each year and may elect similar additional officers from its membership at the option of the board. The Chairman shall sign all official documents on behalf of the board and shall preside over, rule on procedural questions, and direct the proceedings of all board meetings at which he is present. The Vice-Chairman shall exercise the same duties in the absence of the Chairman, as shall the Deputy Vice-Chairman, if any, in the absence of both the Chairman and Vice-Chairman. If both the Chairman and Vice-Chairman are absent from a meeting, and the board has not elected any other officers, then the board shall elect from its a membership an acting Chairman to exercise the duties of Chairman until the meeting adjourns.
- (e) Committees. The Chairman of any board may appoint committees consisting of a portion of its membership for purposes and terms as deemed necessary by the Chairman.
- (f) Bylaws. Each City board may adopt and amend its own bylaws and procedures for the conduct of its meetings, provided such bylaws and procedures are otherwise consistent with this Code and Virginia law. In the absence of bylaws or other law, questions of order shall be governed by Robert's Rules of Order.
- (g) Notice. In addition to any other public notice or advertisement required by law, public notice of any City board meeting shall be posted both on the City's public website and in a prominent public location in the City Clerk's office. Notice, reasonable under the circumstance, of special, emergency, or continued meetings shall be given contemporaneously with the notice provided to the members of the board conducting the meeting. Public notice and advertisement of a special meeting shall not be required if the time of such meeting has been fixed at a previous regular meeting.
- (h) Request for notice. Any person may annually file a written request for notification with a City board. The request shall include the requester's name, address, telephone number, electronic mail address, and

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organization, if any. The board receiving such request shall provide notice of all meetings directly to each such person. Without objection by the person, the board may provide electronic notice of all meetings in response to such requests.

- (i) Meeting agenda packet. At least one (1) copy of the proposed agenda and all agenda packets and, unless exempt, all materials furnished to members of a City board for a meeting shall be made available for public inspection at the same time such documents are furnished to the members of the board.
- (j) Public meetings. Except for closed sessions conducted in accordance with Virginia law, any meeting of any City boards shall be open to the general public to attend and shall not be conducted in any building or facility where recording devices are prohibited. Any person may photograph, film, record, or otherwise reproduce any portion of a public meeting, subject to reasonable rules adopted by the board governing the placement and use of equipment necessary for broadcasting, photographing, filming, or recording to prevent interference with the proceedings of the meeting.
- (k) Public comment. Any board may provide the public with the opportunity to comment during a meeting, subject to rules adopted by the board.
- (l) Minutes. Each City board shall keep a written record of the minutes of any of its meetings or proceedings, including but not limited to the date, time, and location of the meeting, the members of the board recorded as present and absent, all applications or petitions, evidence presented, the name and address of each witness or other speaker providing testimony, a summary of the discussion on matters proposed, deliberated, or decided, findings of fact, motions and members making or seconding such motions, the vote of each board member on each question, and the recommendation or order issued by such board. The record of the minutes of each meeting shall be subsequently adopted by the board and shall be maintained by the City as a public record available for public inspection and copying. The minutes shall be posted on the City's public website within seven (7) business days of final approval of the minutes.

**State law reference — Virginia Freedom of Information Act, Va. Code §§ 2.2-3700 et seq.**

**Sec. 2-106. – Emergency meetings.**

- (a) Remote participation during an emergency. Any City board may meet by electronic communication means without a quorum of the board physically assembled at one (1) location when the Governor or the City has declared a state of emergency in accordance with law if the catastrophic nature of the declared emergency makes it impracticable or unsafe to assemble a quorum in a single location and the purpose of the meeting is to provide for the continuity of operations of the board or the discharge of its lawful purposes, duties, and responsibilities. This authority shall last only for the duration of the emergency declared.
- (b) Requirements. Any board convening an emergency meeting shall:
  - (1) Public notice. Give public notice using the best available method given the nature of the emergency, which notice shall be given contemporaneously with the notice provided to members of the public body conducting the meeting;
  - (2) Public access. Make arrangements for public access to such meeting through electronic communication means, including but not limited to video-conferencing, if already used by the board;
  - (3) Public comment. Provide the public with the opportunity to comment at those meetings of the board when public comment is customarily received; and

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- (4) Minutes. Include the nature of the emergency, the fact that the meeting was held by electronic communication means, and the type of electronic communication means by which the meeting was held in the minutes.

**State law reference — Virginia Freedom of Information Act, Va. Code §§ 2.2-3700 et seq.**

**Sec. 2-107. – Remote participation.**

- (a) Council authorization. The following section shall only apply to a City board upon the separate passage of a Resolution by the Council authorizing such board to adopt the policy contained herein.
- (a) Remote participation. Individual members of a City board, or any committee or subcommittee thereof, may remotely participate through electronic communications instead of attending a public meeting in person when such member:
- (1) Illness. has a temporary or permanent disability or other medical condition that prevents his physical attendance;
  - (2) Family illness. has a family member with a temporary or permanent disability or other medical condition for whom he is required to provide care for that prevents his physical attendance; or
  - (3) Personal matter. is unable to attend the meeting due to a personal matter and identifies with specificity the nature of the personal matter.
- (b) Requests. A request by a board member to participate remotely shall be made to the board secretary in writing at least three (3) days prior to any regular meeting or at least twenty-four (24) hours prior to any special meeting. Such request shall specify the reason why the board member is unable to attend the meeting in person and shall be maintained by the secretary. Such request, if for a reason approved by this Section, shall be granted to any member, provided that no member may use remote participation more than two (2) meetings per calendar year. This policy shall be applied strictly and uniformly, without exception, to the entire membership of the board without regard to the identity of the member requesting remote participation or the matters that will be considered or voted on at the meeting.
- (c) Minutes. Any board permitting the remote participation of a member shall include such fact, the identity of such member, a general description of the remote location from which the member participated, and the reason cited by the member for such remote participation in the meeting minutes.

**State law reference — Virginia Freedom of Information Act, Va. Code §§ 2.2-3700 et seq.**

**Sec. 2-108. – City assistance.**

- (a) Assistance from the City Manager. Upon the request of any Board, the City Manager may, from time to time, for the purpose of carrying out certain duties under the direction of the Board:
- (1) City staff. Assign or detail to the Board any member of the City staff;
  - (2) Consultants. Hire and retain any such engineer, consultant, or other provider of professional services as the Board deems necessary within the budgetary limits provided therefor; and

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- (3) Other assistance. Provide such other information, materials, and reasonable assistance as may be required and requested by the Board in the performance of its duties.
- (b) Training. The City shall provide each board member with appropriate training and instruction on the City government and the purpose, powers, duties, procedures, and programs of the board to which he is appointed.
- (c) Legal advisor. Unless otherwise specified by law, the City Attorney shall be the parliamentarian, legal advisor, and counsel to each Board.
- (d) Secretary. Unless otherwise specified by law, the City shall designate and appoint a member of the City staff to serve as secretary of each City board. The secretary shall be responsible for the preparation and distribution of all notices, advertisements, agendas, and minutes for the board and its meetings and public hearings. The secretary shall keep and maintain all board records and render and perform for the board such other services and duties customarily pertaining to such office.
- (e) Compensation and expenses. Unless otherwise specified by law, each member appointed to a board shall serve in such office without compensation. Each board member shall be reimbursed by the City for admission fees, travel costs, and other reasonable expenses incurred by such member in the performance of his duties or when attending any professional conference or workshop, subject to and in accordance with the approved reimbursement policies of the City.
- (f) Contracts. Unless otherwise specified by law, no City board shall have the authority to contract on behalf of the City.

**State law reference** — Traveling expenses on business of town, city or county, Va. Code § 15.2-1508.1.

Secs. 2-109—2-120. - Reserved.

## ARTICLE IX. – ACTION BOARDS

### DIVISION 1. – ARCHITECTURAL REVIEW BOARD

Sec. 2-121. - Creation.

Pursuant to the authority granted by Va. Code §15.2-2306, there is hereby created a review board, which is designated as the Architectural Review Board.

**State law references** — Preservation of historical sites and architectural areas, Va. Code § 15.2-2306.

Sec. 2-122. - Composition.

The Architectural Review Board shall consist of seven (7) members, who shall be appointed at-large by the Council to staggered terms of five (5) years each, as follows:

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- (1) Property owners. At least three (3) members shall own real property within the Architectural Review Overlay (ARO) zoning district; and
  - (2) Architect. At least one (1) member shall be an architect or architectural historian; and
  - (3) Preservationist. At least one (1) member shall be a professional historian, archaeologist, landscape architect, or land-use planner

Sec. 2-123. – Powers and duties.

The Architectural Review Board shall have the power to review and act to approve or disapprove applications for Certificates of Appropriateness issued pursuant to 41.8.F.

**Cross reference — Certificates of Appropriateness, Danville City Code Sec. 41.8.F.**

Secs. 2-124—2-130. - Reserved.

DIVISION 2. – COMMUNITY POLICY AND MANAGEMENT TEAM

Sec. 2-131. - Creation.

Pursuant to the authority granted by Va. Code § 2.2-5204, there is hereby created a Community Policy and Management Team for the City of Danville.

**State law references — Community policy and management teams; appointment, Va. Code § 2.2-5204;**

Sec. 2-132. - Composition.

(a) Qualifications generally. The Community Policy and Management Team shall consist of eight (8) voting members, five (5) of whom shall serve on the basis of title or office, and three (3) of whom shall be appointed by the Council to staggered terms of three (3) years each, as follows:

- (1) City official. One (1) member shall be an elected or appointed City officer;
- (2) Private provider. One (1) member shall represent a private organization that provides services to children or families within the City; and
- (3) Parent. One (1) member shall be a parent.

(c) Qualifications of title. Of the five (5) members to serve on the basis of title or office:

- (1) Social Services Director. One (1) member shall represent the Director of the Social Services;
- (2) School Superintendent. At least one (1) member shall represent the Superintendent of Danville Public Schools;

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- (3) Juvenile Court Services. One (1) member shall represent the head of the 22<sup>nd</sup> Judicial District Juvenile Court Services Unit;
  - (4) Health Director. At least one (1) member shall represent the director of the Pittsylvania/Danville Health District;
  - (5) Community Services Board. One (1) member shall represent the director of the Community Services Board;

**State law references** — Community policy and management teams; appointment, Va. Code § 2.2-5204; Community policy and management teams; membership, Va. Code § 2.2-5205.

Sec. 2-133. - Powers and duties.

The Community Policy and Management Team shall have all powers and duties entrusted to local community policy and management teams under State law, including but not limited to those granted by Va. Code § 2.2-5206, § 2.2-5306, and § 16.1-309.3.

**State law references** — Community policy and management teams; powers and duties, Va. Code § 2.2-5206; Duties of local public agencies, Va. Code § 2.2-5305; Establishment of a community-based system of services, Va. Code § 16.1-309.3.

Secs. 2-134—2-140. - Reserved.

DIVISION 3. – PLANNING COMMISSION

Sec. 2-141. - Creation.

Pursuant to Va. Code §15.2-2210, there is hereby created a local planning commission, to be known as the Danville Planning Commission.

**State law reference** — Creation of local planning commissions, Va. Code § 15.2-2210.

Sec. 2-142. - Composition.

The Danville Planning Commission shall consist of seven (7) commissioners, who shall be appointed by the Council to staggered terms of four (4) years each, as follows:

- (1) Property owners. At least four (4) commissioners shall own real property within the City; and
- (2) Board of Zoning Appeals. No more than one (1) commissioner may also be a member of the Board of Zoning Appeals.

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**State law reference — Qualifications, appointment, removal, terms and compensation of members of local planning commission, Va. Code § 15.2-2212.**

Sec. 2-143. - Powers and duties.

- (a) Generally. The Planning Commission shall have all powers and duties granted to local planning commissions by Chapter 22 of Title 15.2 (§15.2-2200 *et seq.*) of the Code of Virginia and other State law.
- (b) Action board. The Commission shall be the official action board for the City relating to certain planning matters, and shall accordingly have the following powers:
  - (1) Site plan approval. To review and approve Preliminary Site Plans and Final Site Plans when requested by the Zoning Administrator or the administrative processes of the City so require.
  - (2) Proposed public facilities approval. To approve the general or approximate location, character, and extent of any proposed public facility, including but not limited to, any street, park or other public area, public building, or utility other than a railroad, whether publicly or privately owned.
- (b) Advisory board. The Commission shall, in accordance with law, advise the Council, including with accompanying recommendations and plans when applicable, on the following matters:
  - (1) Comprehensive Plan. A Comprehensive Plan for the physical development of the City, as well as updates thereto at least once every five (5) years;
  - (2) Unified Development Code. A Unified Development Code for zoning within the City, as well as proposed amendments thereto;
  - (3) Capital Improvement Program. A Capital Improvement Program for the development of public infrastructure in the City, as well as proposed amendments thereto;
  - (4) Official Map. An Official Map for the City, as well as proposed amendments thereto; and
  - (5) Special Use Permits. Recommendations on applications for Special Use Permits and other requests that are required to be reviewed by the Planning Commission by law.

**State law reference — Duties of commissions, Va. Code § 15.2-2221.**

Secs. 2-144—2-150. - Reserved.

#### DIVISION 4. – UTILITY COMMISSION

Sec. 2-151. - Creation.

There is hereby established a utility commission to oversee the public utility operations of the City, to be known as the Danville Utility Commission.

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**State law reference — Appointment of advisory boards, committees and commission, Va. Code § 15.2-1411.**

**Sec. 2-152. - Composition.**

- (a) Qualifications. The Danville Utility Commission shall consist of seven (7) voting members, one (1) of whom shall be the City Manager and six (6) of whom shall be appointed by the Council to staggered terms of three (3) years each, as follows:
- (1) City residents. At least four (4) members shall be residents of the City;
  - (2) Utility customers. at least two (2) members shall be customers of the utility system; and
  - (3) County customer. At least one (1) member shall be a customer of the utility system from outside the territorial limits of the City.
- (c) Non-voting members. An active member of the Council and of the Pittsylvania County Board of Supervisors shall each be appointed by their respective bodies as *ex officio* members of the Commission without the right to vote or to serve as officers thereof.

**Sec. 2-153. - Powers and duties.**

- (a) Action board. The Commission shall be the official action board to make and establish the following rules, policies, and fees, as the Commission deems are necessary to provide the efficient delivery of utility services:
- (1) Non-consumption utility fees. Non-consumption utility fees, including but not limited to fees for utility service connections and extensions, availability, and late payments;
  - (2) Utility extensions. Rules and policies for extensions of the utility system; and
  - (3) Other policies. Rules and policies for other general service matters that are not designated by law to the Council, the City Manager, or the Director of Utilities.
- (b) Advisory board. The Commission shall advise the Council on the following matters:
- (1) Condemnation. Condemnation requests of public right-of-way for utility use;
  - (2) Utility consumption rates. Prior to the adoption of any City ordinance adjusting utility consumption rates, such changes shall be reviewed by the Commission. The Commission may present its recommendations for utility consumption rates, as well as any utility rate studies conducted on behalf of the Commission, to the Council for consideration;
  - (3) Budget. Prior to the adoption of the annual budget, the Commission shall coordinate with the Director of Utilities to timely prepare and submit to the Council a budget forecast of all utility system operations for the upcoming fiscal year. Such forecast shall include anticipated revenues, costs and expenses, capital improvements, debt servicing, surplus contributions to the General Fund, and requests for any consumption rate changes;
  - (4) Administration. The fair and consistent administration of utility services; and
  - (5) Code amendments. Recommendations for amendments to City law relating to utility service.

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Secs. 2-154—2-200. - Reserved.

ARTICLE X. – ADVISORY BOARDS

DIVISION 1. – AIRPORT COMMISSION

Sec. 2-201. – Creation; Scope.

- (a) Creation. Pursuant to the authority granted in Va. Code § 5.1-41, there is hereby created the Airport Commission, the duties of which shall be as set forth in this Division. It is expressly provided that the provisions of Va. Code § 5.1-35 and § 5.1-36 are not applicable to the Airport Commission.
- (b) Definitions. When used in this division, the term *airport* means the Danville Regional Airport located at 424 Airport Drive.

Cross reference — Transportation and Aviation, Danville City Code Ch. 6.

Sec. 2-202. - Composition.

- (a) Qualifications. The Airport Commission shall consist of eight (8) members to be appointed by the Council to staggered terms of three (3) years each, as follows:
- (1) City residents. At least four (4) members shall be residents of the City;
  - (2) Licensed pilots. At least two (2) of the eight (8) members shall be licensed pilots;
  - (3) Danville Development Council. One (1) member shall be a member of the Danville Development Council; and
  - (4) Non-City residents. At least two (2) members shall be residents of Caswell County, Pittsylvania County, or Halifax County.
- (b) Non-voting members. The City Manager and the Transportation Services Director shall be non-voting members of the Commission.

Sec. 2-203. – Powers and duties.

The Airport Commission shall advise the Council on the following matters:

- (1) Operations. Recommendations for rules and policies relating to the minimum operating standards of the airport;
- (2) Fees and charges. Fees and charges for airport services, including but not limited to, fees for hangar use, ground leases, maintenance services, and equipment or facility rentals;
- (3) Budget. Prior to the adoption of the annual budget, the Commission shall coordinate with the Director of Transportation Services to timely prepare and submit to the Council a budget forecast of all airport operations for the upcoming fiscal year. Such forecast shall include anticipated

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revenues, costs and expenses, capital improvements, debt servicing, and requests for any fee changes;

(4) *Development.* Priorities and goals for airport development, capital improvements, service expansions, promotion, education, and potential funding sources therefor;

(5) *Administration.* The fair and consistent administration of airport policies.

**Cross reference — Transportation and Aviation, Danville City Code Ch. 6.**

Secs. 2-204—2-210. - Reserved.

**DIVISION 2. – FAIR HOUSING BOARD**

Sec. 2-211. - Creation.

Pursuant to the authority granted by Va. Code §36-96.21, there is hereby created an advisory board to be known as the Fair Housing Board, the duties of which shall be as set forth in this Division.

**State law reference — Powers of counties, cities and towns, Va. Code § 36-96.21.**

Sec. 2-212. - Composition.

(a) *Qualifications.* The Fair Housing Board shall consist of five (5) members to be appointed at-large by the Council to staggered terms of three (3) years each.

(b) *Non-voting member.* The City Manager shall designate a City employee as the administrator for the Board, to be known as the Fair Housing Officer of the City. The Fair Housing Officer shall be a non-voting member of the Board.

**Cross reference — Appointment and removal of officers, Danville City Code Sec. 2-23.**

Sec. 2-213. – Powers and duties.

The Board shall have the following powers and duties:

(1) *Fair housing.* To advise the Council on fair housing issues, including the nature and causes thereof, and possible solutions thereto; and

(2) *Education.* To conduct educational programs to eliminate housing discrimination, promote fair housing, and provide information to the public about fair housing laws.

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**State law reference — Virginia Fair Housing Law, Va. Code §§ 36-96.1 et seq.**

Secs. 2-214—2-220. - Reserved.

**DIVISION 3. – RESERVED.**

Secs. 2-221—2-230. - Reserved.

**DIVISION 4. – PUBLIC ARTS COMMISSION**

Sec. 2-231. – Creation; Scope.

- (a) *Creation.* It is the general policy of the City Council that public art is important and vital to the community character of the City of Danville. To better promote and involve the citizens of Danville in the process of selecting public art, and pursuant to the authority granted in Va. Code §15.2-1411, the Public Arts Commission is hereby created, the duties of which shall be as set forth in this division.
- (b) *Definitions.* When used in this division, the term *public art* means any non-obscene visual or performance art displayed or performed in a public place or with the assistance of the City. *Public art* includes, but is not limited to, any sculpture, mural, portrait, functional art, light installation, stained glass, mosaic, textile, multi-media, pop-up or temporary art, public performance, community participatory art, site-specific art, or other mediums of artistic expression displayed for public enjoyment.

**State law reference — Appointment of advisory boards, committees and commission, Va. Code § 15.2-1411.**

Sec. 2-232. - Composition.

- (a) *Qualifications.* The Public Arts Commission shall consist of seven (7) Commissioners, six (6) of whom shall be appointed at-large by the Council to a staggered term of four (4) years each and one (1) of whom shall be appointed by the Director of Parks and Recreation to a term of four (4) years each.
- (b) *Non-voting member.* The Council shall also appoint a member of the Council to serve a two (2) year term as a non-voting member of the Commission.

Sec. 2-233. – Powers and duties.

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

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- (1) Planning. To create an annual public art plan, including lists of and schedules for any public art projects and performances planned during the fiscal year, and to create a long-term arts and cultural master plan to guide the future promotion of public art in the City;
  - (2) Inventory. To, with assistance from City staff, create, maintain, and publish a comprehensive inventory of all public art and cultural resources in the City;
  - (3) Project proposals. To review proposals and grant applications for public art projects and performances in the City, as well as proposed donations of public art to the City, and to make recommendations to City staff on which proposals, applications, and donations to implement, fund, and accept, and which artists and performers to commission or select therefor;
  - (4) Placement. To review and recommend the location at which specific pieces of art may be displayed;
  - (5) Public outreach. To seek public input on proposed public art projects and performances, the potential locations and types thereof, and to make recommendations to the City to promote cultural initiatives and public access to art; and
  - (6) Report. To submit an annual report to the Council, including an updated public art inventory, a review of new public art projects and performances since the last report, and recommended policy changes to promote the arts and protect and preserve the cultural heritage of Danville.

Secs. 2-234—2-240. - Reserved.

#### DIVISION 5. - SOCIAL SERVICES ADVISORY BOARD

Sec. 2-241. – Creation.

- (a) Board of Social Services. Pursuant to the authority granted in Va. Code § 63.2-300, § 63.2-304, and § 63.2-324, the City Department of Social Services is hereby designated as the local department of social services and the Social Services Director is hereby designated as the local official constituting the local board of social services for the City. The Director shall have all powers and duties granted to local boards of social services under State law, and he may designate a member of his staff to act in his absence to approve, cancel, or change grants issued pursuant to Title 63.2 of the Virginia Code.
- (b) Social Services Advisory Board. Pursuant to the authority granted in Va. Code §63.2-305, the Social Services Advisory Board is hereby created, the duties of which shall be as set forth in this Division.

**State law references —** Local boards established by local governments, Va. Code § 63.2-300; How local board of a city is constituted, Va. Code § 63.2-304; Advisory boards, Va. Code § 63.2-305; Local departments of social services, Va. Code § 63.2-324.

Sec. 2-242. - Composition.

- (a) Qualifications. The Social Services Advisory Board shall consist of seven (7) members to be appointed at-large by the Council to staggered terms of four (4) years each
- (b) Non-voting member. The Social Services Director shall be a non-voting member of the Board.

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**State law reference — Advisory boards, Va. Code § 63.2-305.**

**Sec. 2-243. – Powers and duties.**

The Social Services Advisory Board shall have the following powers and duties:

- (1) *Program administration.* To meet with the Social Services Director to review his implementation and management of City public assistance and social services programs, and to recommend to him policy changes to ensure the fair and consistent administration thereof; and
- (2) *Report.* To submit an annual report to the Council reviewing City public assistance and social services programs, the administration thereof, and recommended policy changes to improve such programs.

**State law reference — Advisory boards, Va. Code § 63.2-305.**

**Secs. 2-244—2-250. - Reserved.**

**DIVISION 6. – TRANSPORTATION ADVISORY COMMITTEE**

**Sec. 2-251. - Creation.**

Pursuant to the authority granted in Va. Code § 15.2-1411, there is hereby created the Transportation Advisory Committee, the duties of which shall be as set forth in this Division.

**State law reference — Appointment of advisory boards, committees and commission, Va. Code § 15.2-1411.**

**Sec. 2-252. - Composition.**

- (a) *Qualifications.* The Transportation Advisory Committee shall consist of seven (7) members, one (1) of whom shall be the City Manager, and six (6) of whom shall be appointed by the Council to staggered terms of four (4) years each, as follows:
  - (1) *City residents.* A minimum of four (4) at-large members shall be residents of the City;
  - (2) *Non-City resident.* One (1) at-large member may be a resident of Pittsylvania County; and
  - (3) *City Council.* One (1) member shall be a member of the Council.

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(b) *Transportation Director.* The Transportation Services Director shall be a non-voting member of the Committee.

Sec. 2-253. – Powers and duties.

The Transportation Advisory Committee shall advise the Council on the following matters:

- (1) *Operations.* Recommendations for rules and policies relating to mass transit operations and services, including but not limited to capital projects and changes to routes and schedules;
- (2) *Fares and charges.* Fares and charges for mass transit services, including but not limited to, passenger fares, equipment rentals, and advertising;
- (3) *Budget.* Prior to the adoption of the annual budget, the Committee shall coordinate with the Director of Transportation Services to timely prepare and submit to the Council a budget forecast of all mass transit operations for the upcoming fiscal year. Such forecast shall include anticipated revenues, costs and expenses, capital improvements, debt servicing, and requests for any fare changes;
- (4) *Development.* Priorities and goals for mass transit development, capital improvements, service expansions, promotion, education, and potential funding sources therefor;
- (5) *Administration.* The fair and consistent administration of mass transit policies.

Secs. 2-254—2-270. - Reserved.

ARTICLE XI. – ASSET BOARDS

DIVISION 1. – EMPLOYEES’ RETIREMENT BOARD

Sec. 2-271. – Creation; Scope.

- (a) *Creation.* Pursuant to the authority granted in Va. Code § 51.1-800, the general administration and management and the responsibility for the proper operation of the System and for making effective the provisions Chapter 32 of this Code, are hereby vested in a board of trustees to be known as the Board of Trustees of the Employees’ Retirement System or the Retirement Board, the duties of which shall be as set forth in this Division.
- (b) *Definition.* When used in this division, the term *System* means the Employees’ Retirement System of the City of Danville, Virginia, established by Sec. 32-1 of this Code, and the term *Other Postemployment Benefits Trust Fund* or *OPEB Trust Fund* means any trust fund established or maintained by the City to fund future liabilities related to other postemployment benefits as defined in Va. Code. §15.2-1545.

**State law reference** — Counties, cities, and certain towns to establish local systems, Va. Code § 15.2-1411.

**Cross reference** — Established, Danville City Code Sec. 32-1.

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Sec. 2-272. - Composition.

- (a) Qualifications. The Retirement Board shall consist of nine (9) trustees, one (1) of whom shall be the City Manager, one (1) of whom shall be the chief financial officer of the City, one (1) of whom shall be the Mayor or a member of the Council appointed thereby, and six (6) of whom shall be selected or appointed to a term of two (2) years each, as follows:
- (1) System members. Three (3) trustees shall be City employees with at least five (5) years of creditable service in the System, who have been selected by the City employees who are members of the system by a method determined by the Board, provided that any such trustee shall automatically vacate his seat upon separation from City employment.
  - (2) Non-System Members. Three (3) trustees shall be City residents who are not members of the System, who have been appointed by the Council.
- (b) Executive secretary. The Board shall select an executive secretary for a term of two (2) years, to perform such administrative tasks and duties as requested by the Board. The executive secretary shall be a non-voting trustee of the Board.

Sec. 2-273. – Powers and duties.

The Board shall, consistent with law, have all powers and duties authorized thereto by Chapter 32 of this Code, including but not limited to, the following powers and duties:

- (1) Management of assets. To manage the assets of the System and the OPEB Trust Fund, invest and reinvest the funds and assets of the System, hold, purchase, acquire, retain, sell, assign, transfer, exchange, and dispose of any security or investment, direct the custody thereof, and to otherwise control such security or investment, any income or proceeds therefrom, and any other money belonging to the System;
- (2) Administration of System. To carry out the administrative functions of the System and the OPEB Trust Fund by determining and adopting of rates, tables, amounts, methods and assumptions, rules, and other policies delegated to the Board by this Code;
- (3) Stewardship of System. To ensure the accuracy and sustainability of the System by conducting or requiring investigations and evaluations, correcting errors, and deciding upon matters of revocation, suspension, and offsetting benefits provided by the System;
- (4) Dispute resolution. To resolve disputes on matters delegated to the Board by this Code;
- (5) Approvals. To approve applications and other requests on matters delegated to the Board by this Code; and
- (6) Agents. To appoint, hire, or delegate its powers to such employees, consultants, and other agents as it deems necessary, including but not limited to executive secretaries, investment advisors, actuaries, custodians, and members of medical and disability review boards.

**State law reference** — Counties, cities, and certain towns to establish local systems, Va. Code § 15.2-1411.

**Cross reference** — Actuary; adoption of tables, rates, Danville City Code Sec. 32-26; Custodian of assets, Danville City Code Sec. 32-38; Management and investment of funds and assets generally, Danville City

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Code Sec. 32-40; Delegation of Board's investment powers and responsibilities, Danville City Code Sec. 32-40.1; Reexamination of, and reduction of benefits, Danville City Code Sec. 32-57; Administrative determination, Danville City Code Sec. 32-57.1.

Secs. 2-274—2-280. - Reserved.

## DIVISION 2. – DANVILLE DEVELOPMENT AUTHORITY

Sec. 2-281. - Creation.

Pursuant to Chapter 643 of the 1964 Virginia Acts of the Assembly, there is hereby created and organized a political subdivision of the Commonwealth to be known as the Danville Development Authority.

**State law reference — Creation of industrial development authorities, Va. Code § 15.2-4903.**

Sec. 2-282. - Composition.

The Danville Development Authority shall consist of a board of seven (7) directors, to be appointed at-large by the Council to staggered terms of four (4) years each.

**State law reference — Directors; qualifications, Va. Code § 15.2-4904.**

Sec. 2-283. - Powers and rights.

The Danville Development Authority shall have all powers and rights allowed by Va. Code §15.2-4905 or other State law, subject to any limitations required thereby, including but not limited to the power to:

- (1) *Legal rights.* Sue and be sued and to exercise its full legal rights in any court of competent jurisdiction;
- (2) *Seal.* Adopt, alter, and use a corporate seal;
- (3) *Contract rights.* Enter into contracts;
- (4) *Property rights.* Acquire, own, use, and dispose of property, both real and personal, including but not limited to the right to purchase and sell, give and receive, lease and rent, pledge and mortgage, and improve;
- (5) *Financial rights.* To borrow or lend money, make or accept grants, and issue bonds;
- (6) *Employer rights.* To hire and pay employees, contractors, consultants, and other agents;
- (7) *Other powers.* Exercise any other power given to industrial development authorities by State law and any other power expressly given to it by the Council.

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**State law reference — Powers of authority, Va. Code § 15.2-4905.**

Secs. 2-284—2-290. - Reserved.

**DIVISION 3. – INDUSTRIAL DEVELOPMENT AUTHORITY**

Sec. 2-291. - Creation.

Pursuant to Ordinance number 66-11.4, adopted November 17, 1966, there is hereby created and organized a Political Subdivision of the Commonwealth to be known as the Industrial Development Authority of Danville, Virginia.

**State law reference — Creation of industrial development authorities, Va. Code § 15.2-4903**

Sec. 2-292. - Composition.

The Industrial Development Authority shall consist of a board of seven (7) directors, appointed at-large by the Council to staggered terms of four (4) years each.

**State law reference — Directors; qualifications, Va. Code § 15.2-4904.**

Sec. 2-293. - Powers and rights.

The Industrial Development Authority shall have all powers and rights allowed by Va. Code §15.2-4905 or other State law, subject to any limitations required thereby, including but not limited to the power to:

- (1) *Legal rights.* Sue and be sued and to exercise its full legal rights in any court of competent jurisdiction;
- (2) *Seal.* Adopt, alter, and use a corporate seal;
- (3) *Contract rights.* Enter into contracts;
- (4) *Property rights.* Acquire, own, use, and dispose of property, both real and personal, including but not limited to the right to purchase and sell, give and receive, lease and rent, pledge and mortgage, and improve;
- (5) *Financial rights.* To borrow or lend money, make or accept grants, and issue bonds;
- (6) *Employer rights.* To hire and pay employees, contractors, consultants, and other agents;
- (7) *Other powers.* Exercise any other power given to industrial development authorities by State law and any other power expressly given to it by the Council.

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**State law reference — Powers of authority, Va. Code § 15.2-4905.**

Secs. 2-294—2-300. - Reserved.

**DIVISION 4. – REGIONAL INDUSTRIAL FACILITY AUTHORITY**

Sec. 2-301. - Creation.

Pursuant to the authority granted by Va. Code §15.2-6402, and in conjunction with an ordinance adopted October 1, 2001, by the Board of Supervisors of Pittsylvania County, there is hereby created and organized a Regional Industrial Facility Authority to be known as the Danville-Pittsylvania Regional Industrial Facility Authority.

**State law reference — Procedure for creation of authorities, Va. Code § 15.2-6402.**

Sec. 2-302. - Definitions.

As used in this division, 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:

Act means the Regional Industrial Facilities Act (Va. Code §§15.2-6400 et seq.);

Agreement means the Agreement for Cost Sharing and Revenue Sharing between the City of Danville, Virginia and Pittsylvania County, Virginia;

Authority means the regional industrial facility authority created hereby by cooperative action of the City of Danville, Virginia and Pittsylvania County, Virginia, and named herein, the Danville-Pittsylvania Regional Industrial Facility Authority;

Board of Directors means the Board of Directors of the Danville-Pittsylvania Regional Industrial Facility Authority;

Governing Body means the Council of the City of Danville and the Board of Supervisors of Pittsylvania County, as members of the Authority; and

Member localities mean all members of the Danville-Pittsylvania Regional Industrial Facility Authority, which initially include the City of Danville and Pittsylvania County.

**State law reference — Definitions, Va. Code § 15.2-6400.**

Sec. 2-303. – Powers and duties; dissolution; fiscal year.

(a) Joint adoption. There is hereby created, pursuant to the Act and in conjunction with the adoption of a similar ordinance by the Board of Supervisors of Pittsylvania County, a political subdivision of the Commonwealth named the Danville-Pittsylvania Regional Industrial Facility Authority.

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(b) Powers and duties. The Authority is vested with the powers of a body corporate, including the power to sue and be sued in its own name, plead and be impleaded, and adopt and use a common seal and alter the same as may be deemed expedient. The Authority shall have all rights, duties, and powers provided by provision of the Act, and including such powers, rights, and duties as may hereafter be set forth from time to time in the Act.

(c) Dissolution. The Authority may be dissolved by resolution of the Board of Directors in compliance with provisions for dissolution stated in the Act.

(d) Fiscal year. The fiscal year for the Authority shall be the same as that of the Commonwealth.

**State law references** — Procedure for creation of authorities, Va. Code § 15.2-6402; Powers of the Authority, Va. Code § 15.2-6405; Forms of account and records, Va. Code § 15.2-6413; Dissolution of authority, Va. Code § 15.2-6415.

Sec. 2-304. - Purpose.

The Authority is charged with the purpose of developing parcels in both the City and Pittsylvania County as regional industrial parks, future development of other industrial properties, and other purposes as permitted by the Act and as agreed upon by the member localities.

**State law reference** — Findings; purpose, Va. Code § 15.2-6401.

Sec. 2-305. - Membership.

The member localities of the Authority are the City of Danville and Pittsylvania County, each of which is a political subdivision of the Commonwealth of Virginia, and each of which is authorized by the Act to participate in the Authority. The membership may, with the approval of the Board of Directors, be expanded in compliance with the provisions for expansion as stated in the Act.

**State law reference** — Procedure for creation of authorities, Va. Code § 15.2-6402.

Sec. 2-306. - Locality agreement.

The Authority shall be governed by the Act, this division, and by the Agreement executed by the Governing Body of each member locality. The Agreement shall establish the respective rights and obligations of the member localities and shall provide for revenue and economic growth-sharing arrangements with respect to tax revenues and other income and revenues generated by any facility owned by the Authority.

**State law references** — Procedure for creation of authorities, Va. Code § 15.2-6402; Revenue sharing agreements, Va. Code § 15.2-6407.

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Sec. 2-307. - Board of Directors.

- (a) Composition. The powers, rights, and duties conferred by the Act upon the Authority shall be exercised by a Board of Directors, which shall consist of two (2) members appointed by the Governing Body of each member locality plus one (1) alternate appointed by the Governing Body of each member locality. The number of directors of the Authority may be supplemented by decision of and appointment by the Governing Bodies, as permitted by the Act.
- (b) Term. Each member locality shall appoint to the Board of Directors two (2) members from its Governing Body to serve a four (4) year term pursuant to the Act. Each member locality shall also appoint one (1) member from its Governing Body to serve a four (4) year term as an alternate Director. There shall be no limitation on the number of terms for directors of the Regional Industrial Facility Authority.
- (c) Succession. In order to remain a director or alternate director of the Authority, such member must also be a current member of the Governing Body. Once a director or alternate director of the Authority is no longer a member of the Governing Body, the locality shall appoint a new member from its Governing Body to fill the unexpired term of the vacating director. The alternate shall serve until a new Director can be appointed.
- (d) Oath. Each member and alternate member of the Board of Directors, before entering upon the discharge of the duties of the office, shall take and subscribe to the oath required in Va. Code § 49-1, and shall serve in compliance with the Act, this division, and the Agreement.
- (e) Bylaws. The Board of Directors shall adopt bylaws, rules, and policies to carry out the provisions of the Act. The bylaws, rules, and policies shall, among other things, specify the principal office of the Authority, identify the schedule and place for meetings of the Board, and provide for the general administration of the operations of the Authority.
- (f) Alternate. The alternate Director may act in place of a Director for his locality if such Director is not present at any meeting of the Authority. If the other two (2) Directors for a locality are present, the alternate does not have the right to vote.
- (g) Voting. It shall require a simple majority of the Board of Directors to act unless a greater number is specified in its bylaws, and a simple majority shall constitute a quorum.
- (h) Expenses. Members of the Board of Directors shall be reimbursed for actual expenses incurred in the performance of their duties from funds available to the Authority.

**State law references** — Board of the authority, Va. Code § 15.2-6403; Powers of the Authority, Va. Code § 15.2-6405.

Sec. 2-308. - Principal office location, records, and title to property.

The principal office of the Authority shall be located within a member locality. All records shall be kept at such office. The title to all property of every kind belonging to the Authority shall be titled in the name of the Authority, which shall hold such title for the benefit of its member localities.

**State law reference** — Office of authority; title to property, Va. Code § 15.2-6404.

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Sec. 2-309. - Funding.

Funding of the Authority shall be by appropriation as decided from time-to-time by the Governing Bodies of the member localities and from such other sources as are identified in the Agreement.

**State law reference — Board of the authority, Va. Code § 15.2-6403.**

Sec. 2-310. - Required reports.

(a) *Annual reports.* The Board shall report to the Governing Body of each member locality annually, on or before the last March meeting of the Governing Body, on the activities of the Authority. In addition to oral presentation at the meeting, a written annual report shall be provided prior to the meeting and shall contain, at a minimum, the following information:

- (1) *Financial updates.* A financial update through December 31 of the current fiscal year;
- (2) *Audited financial report.* After completion of the first fiscal year, an audited financial report showing expenditures and revenues and a statement showing financial condition at the end of the preceding fiscal year;
- (3) *Programs and recommendations.* A written report, approved by the Board, of the activities and accomplishments of the Authority and recommendations regarding future activities of the Authority; and
- (4) *Industrial Park occupants.* A list of tenants, purchasers, or other persons occupying the Cyber Park of Danville and Pittsylvania County, the Pittsylvania-Danville Regional Industrial Park, or any other regional industrial facilities developed by the Authority.

(b) *Special reports.* Upon written request of the Governing Body of any member locality, the Board shall report to such Governing Body within thirty (30) days of receipt of the request, or within a longer period if so requested. The special report shall describe the activities and financial status of the Authority within the six (6) month period immediately preceding the request, or as otherwise specified in the written request and shall be furnished to each member locality. A written report shall be provided if requested.

**State law reference — Board of the authority, Va. Code § 15.2-6403.**

Secs. 2-311—2-320. - Reserved.

DIVISION 5. – STAUNTON RIVER REGIONAL INDUSTRIAL FACILITY AUTHORITY

Sec. 2-321. - Creation.

Pursuant to the authority granted by Va. Code §15.2-6402, and in conjunction with ordinances adopted by the Governing Bodies of all member localities, there is hereby created and organized a Regional Industrial Facility Authority to be known as the Staunton River Regional Industrial Facility Authority.

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**State law reference — Procedure for creation of authorities, Va. Code § 15.2-6402.**

**Sec. 2-322. - Definitions.**

As used in this division, 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:

Act means the Regional Industrial Facilities Act (Va. Code §§15.2-6400 et seq.);

Agreement means the Staunton River Cost and Revenue Sharing Agreement between the City of Danville, Virginia, the Town of Hurt, Virginia, and Pittsylvania County, Virginia;

Authority means the regional industrial facility authority created hereby by cooperative action of the City of Danville, Virginia, the Town of Hurt, Virginia, and Pittsylvania County, Virginia, and named herein, the Staunton River Regional Industrial Facility Authority;

Board of Directors means the Board of Directors of the Staunton River Regional Industrial Facility Authority;

Governing Body means the Council of the City of Danville, the Town Council of Hurt, and the Board of Supervisors of Pittsylvania County, as members of the Authority; and

Member localities mean all members of the Staunton River Regional Industrial Facility Authority, which include the City of Danville, the Town of Hurt, and Pittsylvania County.

**State law reference — Definitions, Va. Code § 15.2-6400.**

**Sec. 2-323. – Powers and duties; dissolution; fiscal year.**

- (a) Joint adoption. There is hereby created, pursuant to the Act and in conjunction with the adoption of a similar ordinance by the other member localities, a political subdivision of the Commonwealth named the Staunton River Regional Industrial Facility Authority.
- (b) Powers and duties. The Authority is vested with the powers of a body corporate, including the power to sue and be sued in its own name, plead and be impleaded, and adopt and use a common seal and alter the same as may be deemed expedient. The Authority shall have all rights, duties, and powers provided by provision of the Act, and including such powers, rights, and duties as may hereafter be set forth from time to time in the Act.
- (c) Dissolution. The Authority may be dissolved by resolution of the Board of Directors in compliance with provisions for dissolution stated in the Act.
- (d) Fiscal year. The fiscal year for the Authority shall be the same as that of the Commonwealth.

**State law references — Procedure for creation of authorities, Va. Code § 15.2-6402; Powers of the Authority, Va. Code § 15.2-6405; Forms of account and records, Va. Code § 15.2-6413; Dissolution of authority, Va. Code § 15.2-6415.**

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Sec. 2-324. - Purpose.

The Authority is charged with the specific purpose of developing a regional industrial park containing approximately 603.98 acres, located in Hurt, Virginia, commonly known as the Southern Virginia Multi-Modal Park and any one (1) or more other parcels of land located in any of the Member Localities regions as regional industrial parks and for the additional purpose of future development of other industrial properties or other reasons as permitted by the Act and as agreed upon by the Member Localities.

**State law reference** — Findings; purpose, Va. Code § 15.2-6401.

Sec. 2-325. - Membership.

The member localities of the Authority are the City of Danville and the other member localities, each of which is a political subdivision of the Commonwealth of Virginia, and each of which is authorized by the Act to participate in the Authority. The membership may, with the approval of the Board of Directors, be expanded in compliance with the provisions for expansion as stated in the Act.

**State law reference** — Procedure for creation of authorities, Va. Code § 15.2-6402.

Sec. 2-326. - Locality agreement.

The Authority shall be governed by the Act, this division, and by the Agreement executed by the Governing Body of each member locality. The Agreement shall establish the respective rights and obligations of the member localities and shall provide for revenue and economic growth-sharing arrangements with respect to tax revenues and other income and revenues generated by any facility owned by the Authority.

**State law references** — Procedure for creation of authorities, Va. Code § 15.2-6402; Revenue sharing agreements, Va. Code § 15.2-6407.

Sec. 2-327. - Board of Directors.

- (a) Composition. The powers, rights, and duties conferred by the Act upon the Authority shall be exercised by a Board of Directors, which shall consist of two (2) members appointed by the Governing Body of each member locality plus one (1) alternate appointed by the Governing Body of each member locality. The number of directors of the Authority may be supplemented by decision of and appointment by the Governing Bodies, as permitted by the Act.
- (b) Term. Each member locality shall appoint to the Board of Directors two (2) members from its Governing Body to serve a four (4) year term pursuant to the Act. Each member locality shall also appoint one (1) member from its Governing Body to serve a four (4) year term as an alternate Director. There shall be no limitation on the number of terms for directors of the Regional Industrial Facility Authority.

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- (c) Succession. In order to remain a director or alternate director of the Authority, such member must also be a current member of the Governing Body. Once a director or alternate director of the Authority is no longer a member of the Governing Body, the locality shall appoint a new member from its Governing Body to fill the unexpired term of the vacating director. The alternate shall serve until a new Director can be appointed.
- (d) Oath. Each member and alternate member of the Board of Directors, before entering upon the discharge of the duties of the office, shall take and subscribe to the oath required in Va. Code § 49-1, and shall serve in compliance with the Act, this division, and the Agreement.
- (e) Bylaws. The Board of Directors shall adopt bylaws, rules, and policies to carry out the provisions of the Act. The bylaws, rules, and policies shall, among other things, specify the principal office of the Authority, identify the schedule and place for meetings of the Board, and provide for the general administration of the operations of the Authority.
- (f) Alternate. The alternate Director may act in place of a Director for his locality if such Director is not present at any meeting of the Authority. If the other two (2) Directors for a locality are present, the alternate does not have the right to vote.
- (g) Voting. It shall require a simple majority of the Board of Directors to act unless a greater number is specified in its bylaws, and a simple majority shall constitute a quorum.
- (h) Expenses. Members of the Board of Directors shall be reimbursed for actual expenses incurred in the performance of their duties from funds available to the Authority.

**State law references** — Board of the authority, Va. Code § 15.2-6403; Powers of the Authority, Va. Code § 15.2-6405.

Sec. 2-328. - Principal office location, records, and title to property.

The principal office of the Authority shall be located within a member locality. All records shall be kept at such office. The title to all property of every kind belonging to the Authority shall be titled in the name of the Authority, which shall hold such title for the benefit of its member localities.

**State law reference** — Office of authority; title to property, Va. Code § 15.2-6404.

Sec. 2-329. - Funding.

Funding of the Authority shall be by appropriation as decided from time-to-time by the Governing Bodies of the member localities and from such other sources as are identified in the Agreement.

**State law reference** — Board of the authority, Va. Code § 15.2-6403.

Sec. 2-330. - Required reports.

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(a) Annual reports. The Board shall report to the Governing Body of each member locality annually, on or before the last March meeting of the Governing Body, on the activities of the Authority. In addition to oral presentation at the meeting, a written annual report shall be provided prior to the meeting and shall contain, at a minimum, the following information:

(1) Financial updates. A financial update through December 31 of the current fiscal year;

(2) Audited financial report. After completion of the first fiscal year, an audited financial report showing expenditures and revenues and a statement showing financial condition at the end of the preceding fiscal year;

(3) Programs and recommendations. A written report, approved by the Board, of the activities and accomplishments of the Authority and recommendations regarding future activities of the Authority; and

(4) Industrial Park occupants. A list of tenants, purchasers, or other persons occupying the Cyber Park of Danville and Pittsylvania County, the Pittsylvania-Danville Regional Industrial Park, or any other regional industrial facilities developed by the Authority.

(b) Special reports. Upon written request of the Governing Body of any member locality, the Board shall report to such Governing Body within thirty (30) days of receipt of the request, or within a longer period if so requested. The special report shall describe the activities and financial status of the Authority within the six (6) month period immediately preceding the request, or as otherwise specified in the written request and shall be furnished to each member locality. A written report shall be provided if requested.

**State law reference — Board of the authority, Va. Code § 15.2-6403.**

Secs. 2-331—2-360. - Reserved.

#### DIVISION 6. – VETERANS’ MEMORIAL COMMITTEE

Sec. 2-361. – Creation; Scope.

(a) Creation. Pursuant to the authority granted in Va. Code §15.2-1411, there is hereby created the Veterans’ Memorial Committee, the duties of which shall be as set forth in this Division.

(b) Definitions. When used in this division, the term *Veterans’ Memorial* means the Veteran’s Memorial of Danville/Pittsylvania County, located at 302 River Park Drive, within Dan Daniel Memorial Park.

**State law references — Appointment of advisory boards, committees and commission, Va. Code § 15.2-1411; Memorials for war veterans, Va. Code § 15.2-1812.**

Sec. 2-362. - Composition.

The Veterans’ Memorial Committee shall consist of seven (7) members, one (1) of whom shall be the Public Works Director, one (1) of whom shall be the Parks and Recreation Director, and five (5) of whom shall be appointed by the City Manager to indefinite terms, as follows:

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- (1) Veterans Associations. At least two (2) members shall represent local veterans' associations;
  - (2) City Veteran. At least one (1) member shall be a veteran who resides within the City; and
  - (3) County Veteran. At least one (1) member shall be a veteran who resides within Pittsylvania County.

Sec. 2-363. – Powers and duties.

The Committee shall advise the City on any matter affecting the Veterans' Memorial, including but not limited to its protection, maintenance, expansion, promotion, funding, and any City rules and policies involving the Veterans' Memorial.

Secs. 2-364—2-400. - Reserved.

ARTICLE XII. – APPEALS BOARDS

DIVISION 1. – BOARD OF BUILDING CODE APPEALS

Sec. 2-401. – Creation

Pursuant to the authority granted in Va. Code §36-105, there is hereby created a local board of building code appeals, the duties of which shall be as set forth in this Division.

**State law reference — Enforcement of Code; appeals from decisions of local department, Va. Code § 36-105.**

Sec. 2-402. - Composition.

The Board of Building Code Appeals shall consist of seven (7) members appointed by the Council for staggered terms of three (3) years each. Each Board member shall receive such compensation for attending meetings as is authorized by the Council, and shall only be subject to removal for cause. Each member need not be a resident of the City, however a majority of the members shall be City residents.

Sec. 2-403. – Powers and duties.

(a) Powers. The Board shall have the following powers and duties:

- (1) Building Code. To hear and decide appeals, as provided by Va. Code §36-105 and the current edition of the Virginia Uniform Statewide Building Code;
- (2) Demolition and repair orders. To hear and decide on appeal from the decision of the Maintenance Code Official whether or not buildings or structures must be demolished or repaired under the provisions of this Code;

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- (3) *Derelict structures.* To hear and decide on appeal from the decision of the Maintenance Code Official whether or not buildings or structures are derelict or must be removed or corrected under the provisions of section 9-3 of this Code; and
- (4) *Fire Code.* To hear and decide appeals as provided by Va. Code §27-98, the current edition of the Virginia Statewide Fire Prevention Code, and Chapter 14 of this Code.
- (b) *Appeals.* Each appeal, to be considered by the Local Board of Building Code Appeals, shall be in writing and shall be accompanied by any fee required by the Council.

**State law references —** Enforcement of Fire Prevention Code; appeals from decisions of local enforcing agencies, Va. Code § 27-98; Enforcement of Code; appeals from decisions of local department, Va. Code § 36-105.

Secs. 2-404—2-410. - Reserved.

## DIVISION 2. – BOARD OF EQUALIZATION

### Sec. 2-411. – Creation

Pursuant to the authority granted in Va. Code § 58.1-3370, there is hereby created a local board of equalization of real estate assessments to be known as the Board of Equalization, the duties of which shall be as set forth in this Division.

**State law reference —** Appointment, Va. Code § 58.1-3370.

### Sec. 2-412. - Composition.

- (a) *Qualifications.* The Board of Equalization shall consist of three (3) members appointed by the Danville Circuit Court for terms of one (1) year each, with such term beginning on the effective date of the assessment for which it was appointed, as follows:
- (1) *Property owners.* At least two (2) members shall own real property within the City;
  - (2) *Real estate professionals.* At least one (1) member shall be a real estate appraiser, other real estate professional, builder, developer, or legal or financial professional; and
  - (3) *Training.* No person shall be eligible to serve on the Board unless he has completed all education and training required of such members by law.
- (b) *Compensation.* Each Board member shall receive such compensation for attending meetings as is authorized by the Council.

**State law references —** Appointment, Va. Code § 58.1-3370; Qualifications of members, Va. Code § 58.1-3374; Compensation of members, Va. Code § 58.1-3375.

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Sec. 2-413. – Powers and duties.

The Board shall have the following powers and duties:

- (1) Assessments. To hear, investigate, and decide appeals of real estate assessments, and to increase, decrease, or otherwise adjust and equalize such assessments, in accordance with State law;
- (2) Correcting errors. To direct City officials to enter upon the land books of the City any real estate which is found to have been omitted, and to cancel any duplicate assessments; and
- (3) Evidence. To summon persons to furnish information relating to the real estate of any taxpayer, testify about such information, and provide the Board with books, papers, and other records containing information with respect to the valuation of real estate under review by the Board.

**State law references —** Hearing complaints and equalizing assessments, Va. Code § 58.1-3379; Omitted real estate and duplicate assessments, Va. Code § 58.1-3383; Power of board to send for persons and papers, Va. Code § 58.1-3386.

Secs. 2-414—2-420. - Reserved.

DIVISION 3. – BOARD OF ZONING APPEALS

Sec. 2-421. – Creation.

Pursuant to the authority granted in Va. Code § 15.2-2308, there is hereby created a local board of zoning appeals to be known as the Board of Zoning Appeal, the duties of which shall be as set forth in this Division.

**State law reference —** Boards of zoning appeals to be created, Va. Code § 15.2--2308.

Sec. 2-422. – Composition.

- (a) Qualifications. The Board of Zoning shall consist of seven (7) members appointed by the Danville Circuit Court for terms of five (5) years each, in the following manner:
  - (1) Public Officers. No members shall hold public office within the City other than as a planning commissioner; and
  - (2) Planning Commission. No more than one (1) member may also be a member of the Planning Commission.
- (b) Compensation. Each Board member shall receive such compensation for attending meetings as is authorized by the Council.

**State law reference —** Boards of zoning appeals to be created, Va. Code § 15.2--2308.

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Sec. 2-423. - Powers and duties.

The Board shall have the following powers and duties, consistent with law:

- (1) *Variances.* To authorize variances upon appeal or original application in accordance with Chapter 41 of this Code;
- (2) *Special Exceptions.* To decide applications for Special Exceptions and Special Exception Permits for certain uses, yards, and heights as may be specifically authorized in this Code, and the imposition of such conditions relating to the use, yard, or height for which a permit is granted as it may deem necessary in the public interest, including but not limited to, limiting the duration of a permit and requiring a performance guarantee or bond;
- (3) *Zoning decisions.* To decide appeals from any order, requirement, decision, or determination made by the Zoning Administrator or any administrative officer of the City in the administration or enforcement of Chapter 41 of this Code;
- (4) *Map interpretations.* To decide appeals to the interpretation of the Official Map by the Zoning Administrator, Planning Commission, or Council, when there is an unresolved disagreement as to the location of a district boundary;
- (5) *Revocations.* To revoke Special Exceptions upon a determination that there has not been compliance with the terms or conditions of a Special Exception Permit.

**State law reference — Powers and duties of boards of zoning appeals, Va. Code § 15.2-2309.**

Secs. 2-424—2-450. - Reserved.

ARTICLE XIII. – AD HOC BOARDS

DIVISION 1. – MEMORIAL BOARD

Sec. 2-451. – Creation.

It is the general policy of the City that City streets and facilities should generally be named according to geographical, historical, ecological, or functional relationships to the street or facility to be named, and that existing streets and facilities that are already named in honor or memoriam of any person should be preserved as they are. However, in unusual circumstances and based on extraordinary and significant contributions to the City, the Commonwealth, or the United States of America, City facilities and streets may be named or renamed to honor certain qualified individuals. In order to fairly administer new requests to name or rename a City street or facility in honor or memoriam of any person, and pursuant to the authority granted by Va. Code §15.2-2019, an advisory board is hereby created to be known as the Danville Memorial Board.

**State law reference — Localities may name streets, roads and alleys, Va. Code § 15.2-2019.**

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Sec. 2-452. - Composition; appointment.

- (a) Qualifications. The Memorial Board shall consist of seven (7) members, one (1) of whom shall be the City Manager, and six (6) of whom shall be appointed by the Mayor to a one (1) year term each, as follows:
- (1) Council. At least two (2) members shall be members of the Council;
  - (2) Planning Commission. At least two (2) members shall be members of the Planning Commission; and
  - (3) City residents. At least two (2) members shall be residents of the City selected at-large.
- (b) Non-voting member. The Public Works Director shall be a non-voting member of the Board.
- (c) Officers. Notwithstanding anything in this chapter to the contrary, the Mayor shall also select the Chairman and Vice-Chairman of the Committee.
- (d) Timing of appointment. The Mayor shall appoint members to the Board within thirty (30) business days of the receipt of a qualified application by the City Clerk, unless the Board is currently sitting because of a prior application.

Sec. 2-453. - Powers and duties.

The Board shall have the following powers and duties:

- (1) Naming of City streets and facilities. To advise the Council on applications for the naming or renaming of City streets and facilities in honor or memoriam of qualified honorees;
- (2) Determinations of eligibility. To determine if a proposed honoree is a qualified honoree, whether an application requesting the naming or renaming of a City street or facility is a qualified application, in accordance with this division;
- (3) Determination of appropriateness. To review and determine if the street or facility identified in the application is a logical and appropriate place to be named after the proposed honoree. The Board shall recommend alternative public streets or facilities to be named for a qualified honoree when the public street or facility identified in the application is already named in honor and memoriam of any other person, except when such public street or facility has a more direct relationship to the qualified honoree being considered; and
- (4) Determination of costs. To review the anticipated costs of any name change, including the costs of any related monument or sign, the number of addresses upon such street that will be affected by a change in the name, and the estimated costs and impact of such change to residents of the street, emergency management services, postal and delivery services, and other affected persons.

Sec. 2-454. - Applications.

- (a) Qualified honoree. In order for an individual to qualify as an honoree to have City street or facility named in his honor, such individual must satisfy one (1) of the following criteria:
- (1) Merit. The proposed honoree must have been deceased for at least three (3) years prior to the date of the application being filed and the proposed honoree must have contributed in a significant and positive manner to the City, the Commonwealth, or the United States of America; or

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- (2) Donation. A proposed honoree, or someone on his behalf, must make a significant financial donation or contribution towards the construction, renovation, or development of the City street or facility to be named.
- (b) Qualified application. In order for an application to be fully qualified for consideration by the Board, such application must:
- (1) City resident. Be filed and signed by a City resident;
  - (2) Qualified honoree. Name a qualified honoree;
  - (3) Location. Identify the City street or facility to be named for the proposed honoree;
  - (4) Honoree background. Include a narrative stating the reasons the qualified honoree should have a public street or facility named in his honor;
  - (5) Location background. Include a narrative stating the reasons the identified street or facility was selected;
  - (6) Citizen petition. Be accompanied by a petition, containing the name, current address, and signature of at least one hundred (100) registered voters in the City; and
  - (7) Multiple applications. Not be for a proposed honoree who has been the subject of a separate application filed within the last year.
- (c) Report. The Board shall report its determinations and recommendations for an application to the Council within ninety (90) business days of the initial receipt of the application by the City Clerk.
- (d) Decisions. The Council shall consider the application within ninety (90) business days of the delivery of the report from the Board. Nothing in this division shall prohibit the Council from remanding an application back to the Board for further consideration. Nothing in this division shall require the Council to name or renaming any City street or facility for any honoree.

**State law reference —** Localities may name streets, roads and alleys, Va. Code § 15.2-2019.

Sec. 2-455. – Costs and design of new monuments and signs.

- (a) Costs. Any additional costs not normally borne by the City associated with the placement, design, and construction of any monument or sign to honor an individual under this division, shall be paid for by the applicant or by some other person or organization that agrees, in writing, to assume responsibility for such costs.
- (b) Design. The style and design of any monument or sign to be installed or placed upon City property pursuant to this division shall be reviewed by the Public Arts Commission, as well as any other board of commission with jurisdiction thereover, as applicable, and shall be approved by the Council prior to installation.

Secs. 2-456—2-460. - Reserved.

DIVISION 2. – LOCAL LEGENDS BANNER COMMITTEE

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Sec. 2-461. – Creation.

It is the policy of the City that certain local legends should be recognized and honored for their important achievements and that banner displays along City streets are an attractive way to do so. Accordingly, the City hereby creates the Local Legends Banner Display Program. Pursuant to the authority granted in Va. Code §15.2-1411, there is hereby created an advisory board to be known as Local Legends Banner Committee, the duties of which shall be as set forth in this Division.

**Cross reference — Banners and decorative materials encroaching across streets, Danville City Code Sec. 35-61.**

Sec. 2-462. - Composition; appointment.

- (a) Qualifications. The Local Legends Banner Committee shall consist of five (5) members, one (1) of whom shall be the City Manager, two (2) of whom shall be department directors designated by the City Manager, and two (2) of whom shall be appointed by the Mayor to a one (1) year term each, as follows:
- (1) Council. One (1) member shall be a member of the Council; and
  - (3) City resident. One (1) members shall be a resident of the City selected at-large.
- (b) Officers. Notwithstanding anything in this chapter to the contrary, the Mayor shall also select the Chairman and Vice-Chairman of the Committee.
- (c) Timing of appointment. The Mayor shall appoint members to the Committee within thirty (30) business days of the receipt of a qualified application by the City Clerk, unless the Committee is currently sitting because of a prior application.

Sec. 2-463. - Powers and duties.

The Committee shall have the following powers and duties:

- (1) Local legends banner displays. To advise the Council on applications for the installation of banner displays in accordance with this division;
- (2) Determinations of eligibility. To determine if a proposed honoree is a qualified local legend, in accordance with this division;
- (3) Determination of location. To designate which locations and which City-owned poles are appropriate for use in the program; and
- (4) Determination of costs. To review the anticipated costs of any banner display, including the costs of any banners, the costs of any City-required brackets to which any banners will be attached, and the costs of installation.

Sec. 2-464. - Applications.

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- (a) Qualified honoree. In order for an individual to qualify as a local legend be featured on a banner display, such individual must have been a resident of the City of Danville who has achieved recognition on a State, national, or international basis for a positive and notable achievement.
  - (b) Qualified application. In order for an application to be fully qualified for consideration by the Committee, such application must:
    - (1) City resident. Be filed and signed by a City resident;
    - (2) Qualified local legend. Name a qualified local legend;
    - (3) Location. Identify the proposed location for the banner display;
    - (4) Local legend background. Include a narrative stating the reasons the qualified local legend should be the subject of a banner display; and
    - (5) Multiple applications. Not be for a proposed local legend who has been the subject of a separate application filed within the last year.
  - (c) Report. The Committee shall report its determinations and recommendations for an application to the Council within ninety (90) business days of the initial receipt of the application by the City Clerk.
  - (d) Decisions. The Council shall consider the application within ninety (90) business days of the delivery of the report from the Committee. Nothing in this division shall prohibit the Council from remanding an application back to the Committee for further consideration. Nothing in this division shall require the Council to approve the placement or design of a banner display for any local legend.

Sec. 2-465. – Costs, design, and duration of banners.

- (a) Costs. The costs of any banner, bracket, and installation shall be paid for by the applicant or by some other person or organization that agrees, in writing, to assume responsibility for such costs. A cost estimate shall be provided by the City to the applicant or sponsor prior to the approval of the application. Routine maintenance of the brackets and banner display shall be performed by the City; however, should a banner become frayed, torn, defaced, or excessively faded, the replacement costs shall be the sole responsibility of the applicant or sponsor.
- (b) Design. The style and design of any banner to be displayed pursuant to this division shall be reviewed by the Public Arts Commission, as well as any other board of commission with jurisdiction thereover, as applicable, and shall be approved by the Council prior to installation.
- (c) Duration. Approved banners may remain on display for a period of five (5) years, after which time a new application shall be required pursuant to this division. A standard five (5) year right-of-way use agreement shall be required prior to any installation.

Secs. 2-466—2-470. - Reserved.

DIVISION 3. – AMBULANCE COMMITTEE

Sec. 2-471. - Creation.

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Pursuant to the authority granted in Va. Code §32.1-111.14, there is hereby created the Ambulance Committee, the duties of which shall be as set forth in this Division.

**State law reference** — Powers of governing bodies of counties, cities, and towns, Va. Code § 32.1-111.14.

Sec. 2-472. – Composition; appointment.

- (a) Qualifications. The Ambulance Committee shall consist of five (5) members to be appointed by the Mayor to terms of one (1) year each, as follows:
- (1) City Council. Three (3) members shall be a member of the Council;
  - (2) Other members. Two (2) members shall be appointed at-large, with the Mayor encouraged to select representatives or employees of healthcare facilities, nursing homes, or public health agencies; and
  - (3) Permit holder. No person shall be eligible to serve on the Committee if he holds or is employed by the holder of a permit subject to the review of the Committee.
- (b) Fire Chief. The Fire Chief shall be a non-voting member of the Committee.
- (c) Officers. Notwithstanding anything in this chapter to the contrary, the Mayor shall also select the Chairman and Vice-Chairman of the Committee.
- (d) Timing of appointment. The Mayor shall appoint members to the Committee within thirty (30) business days of the receipt by the City Clerk of an application for an ambulance operator's permit or a complaint against the holder of such a permit, unless the Committee is currently sitting because of a prior application or complaint.

Sec. 2-473. – Powers and duties.

The Ambulance Committee shall advise the Council on the following powers and duties:

- (1) Ambulance operator's permit. Review applications for ambulance operator's permits and recommend their approval or denial to the Council;
- (2) Complaints. Investigate complaints against any person holding ambulance operator's permits and recommend any disciplinary action to the Council, in accordance with Sec. 39-111 of this Code;
- (3) Ambulance service. Advise the Council on ambulance service issues, including the adequacy and quality of service, the fairness of rates, and any City policies affecting the provision thereof; and
- (4) Education. To conduct educational programs to provide information to the public about the availability of ambulance service in the City.

**Cross references** — Application, Danville City Code Sec. 39-107; Suspension or revocation, Danville City Code Sec. 39-111.

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Secs. 2-474—2-480. - Reserved.

~~ARTICLE III. BINGO GAMES AND RAFFLES<sup>47</sup>~~

~~Sec. 4-27. Violations of article.~~

~~A violation of any provision of this article, or of article 1.1, chapter 8, title 18.2, of the Code of Virginia, 1950, as amended, shall constitute a Class 1 misdemeanor.~~

~~(Code 1962, § 17-20.1; Ord. No. 92-6.21, 6-16-92)~~

~~Cross reference(s)—Penalty for Class 1 misdemeanors, § 1-11.~~

~~State law reference(s)—Similar provisions as to violation of state law regulating bingo games and raffles, Code of Virginia, § 18.2-340.10.~~

~~Sec. 4-27.1. Definitions.~~

~~For the purposes of this article, the following definitions are established:~~

~~*Bingo game or raffle* shall mean any bingo, instant bingo, jackpot, or raffle as defined in the State Bingo Law.~~

~~*Chief of Police* shall mean the Chief of Police of the City of Danville, or the Acting Chief of Police of the City of Danville.~~

~~*Qualified organization* shall mean an organization, as defined in the State Bingo Law, that has a membership consisting of at least fifty (50) percent residents of the Commonwealth.~~

~~*State Bingo Law* shall mean article 1.1, chapter 8, title 18.2, of the Code of Virginia, 1950, as amended (sections 18.2-340.1 to 18.2-340.14).~~

~~(Ord. No. 92-6.21, 6-16-92)~~

~~Sec. 4-28. General authorization; probation.~~

~~Any bingo game or raffle conducted within the city by a qualified organization, and having received a permit therefor in compliance with the State Bingo Law and with this article is permitted within the City. The conduct of any game not specifically permitted herein is prohibited.~~

~~(Code 1962, § 17-20.1; Ord. No. 92-6.21, 6-16-92)~~

~~Sec. 4-29. Permit generally; application.~~

~~(a)—Prior to the commencement of any bingo game or raffle within the City by a qualified organization, such organization shall obtain an annual permit from the Chief of Police. The permit shall only be granted after a reasonable investigation has been conducted by the Chief of Police.~~

~~(b)—Application for the annual permit shall be accompanied by a check in the amount of twenty-five dollars (\$25.00), payable to the order of the City. Application for an annual permit shall be made on the form~~

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<sup>47</sup>Cross reference(s)—Bingo games and raffles conducted pursuant to state law and this article exempt from anti-gambling provisions, § 16-11.

State law reference(s)—Authority of Council to adopt ordinance regulating bingo games and raffles, Code of Virginia, § 18.2-340.8.

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specified in section 18.2-340.2 of the Code of Virginia; the form may be expanded to include any other information desired by the Chief of Police reasonably related to the issuance of a permit. The application shall be accompanied by a complete list of the organization's membership showing the residency of each member.

(c) Any organization electing to proceed under the provisions of section 18.2-340.3(4) of the Code of Virginia for interim certification of tax-exempt status shall prepay an additional fee of five hundred dollars (\$500.00).

(d) All applications shall be acted upon by the Chief of Police within sixty (60) days from filing.

(e) All application fees shall be nonrefundable.

(Code 1962, § 17-20.1; Ord. No. 92-6.21, 6-16-92)

#### Sec. 4-29.1. Issuance of permit.

Upon compliance by the applicant with the provisions of the State Bingo Law and this article, and at the discretion of the Chief of Police, a permit may be issued. All permits shall be issued on a calendar basis and shall be valid for one (1) calendar year beginning on January 1. All permits shall be subject to reasonable regulation by the Chief of Police to ensure the public safety and welfare in the operation of bingo games and raffles.

(Ord. No. 92-6.21, 6-16-92)

#### Sec. 4-30. Denial, suspension, or revocation of permit; hearings; appeals.

(a) The Chief of Police may deny, suspend, or revoke the permit of any organization found not to be in strict compliance with the provisions of the State Bingo Law or this article.

(b) No permit shall be denied, suspended, or revoked except upon notice stating the proposed basis for such action and the time and place for a hearing thereon. After a hearing on the issues, the Chief of Police may refuse to issue or may suspend or revoke any such permit if it determines that the organization has not complied with the provisions of the State Bingo Law or this article.

(c) Any organization aggrieved by the decision of the Chief of Police may appeal such decision to the Circuit Court for the City.

(Code 1962, § 17-20.1; Ord. No. 88-5.15, 5-3-88; Ord. No. 92-6.21, 6-16-92)

State law reference(s)—Similar provisions, Code of Virginia, §§ 18.2-340.10, 18.2-340.12.

#### Sec. 4-31. Financial records and reports.

Each organization granted a permit under this article shall keep complete records of all receipts and disbursements relating to the bingo games or raffles conducted by it, and shall file financial reports in the manner and in the form prescribed by the State Bingo Law; such financial reports shall be filed with the Commissioner of the Revenue of the City, and shall be a matter of public record.

(Code 1962, § 17-20.1; Ord. No. 92-6.21, 6-16-92)

State law reference(s)—Similar provisions, Code of Virginia, §§ 18.2-340.6, 18.2-340.7.

#### Sec. 4-32. Audits; fees.

(a) All reports filed pursuant to section 4-31 of this article shall be audited by the Commissioner of the Revenue, and shall be a matter of public record.

(b) An audit fee is hereby established in the amount of one-fourth (¼) of one (1) percent of the gross receipts shown on the report, and the interest income on money that the organization has received from bingo or instant bingo operations.

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(c) ~~The audit fee shall accompany each report and shall be payable to the Commissioner of the Revenue. All audit fees received shall be separately accounted for and shall be used only for the purposes of auditing and regulating bingo games and raffles.~~

~~(Ord. No. 92-6.21, 6-16-92)~~

~~ARTICLE I. TRANSPORTATION ADVISORY COMMITTEE~~

~~Sec. 6-1. Transportation advisory committee created.~~

~~There is hereby created the Transportation Advisory Committee, the duties of which shall be as set forth in this division.~~

~~(Ord. No. 2009-01.06, 1-6-09)~~

~~Sec. 6-2. Composition; appointment and oath of members.~~

~~(a) The Transportation Advisory Committee shall consist of seven (7) members to be appointed by the Council as follows:~~

~~(1) A minimum of four (4) at-large members shall be residents of the City.~~

~~(2) One (1) at-large member may be a resident of Pittsylvania County.~~

~~(3) One (1) member shall be a member of the Danville City Council.~~

~~(4) One (1) member shall be Danville's City Manager or his designee.~~

~~(b) The Transportation Services Director shall be an ex-officio member of the Transportation Advisory Committee without the right to vote or to serve as an officer of the Committee.~~

~~(c) Members of the Transportation Advisory Committee shall be eligible for reappointment pursuant to section 2-44 of this City Code. Each appointed member of the Committee shall take an oath of office.~~

~~(Ord. No. 2009-01.06, 1-6-09)~~

~~Sec. 6-3. Terms and removal of at-large members; filling of vacancies.~~

~~One (1) at-large member of the Transportation Advisory Committee shall be appointed for a term expiring June 30, 2013, two (2) at-large members shall be appointed for a term expiring June 30, 2014, and two (2) at-large members shall be appointed for a term expiring June 30, 2015. Subsequent appointments shall be for terms of four (4) years each, with a maximum eligibility for two (2) full terms. Vacancies on the Committee shall be filled by appointment of the Council for the unexpired term only. In each instance, members shall serve until their respective successors are appointed, confirmed and qualified. Members may be removed for malfeasance in office.~~

~~(Ord. No. 2009-01.06, 1-6-09)~~

~~Sec. 6-4. Election and terms of chairman and vice-chairman.~~

~~The Transportation Advisory Committee, at an organizational meeting to be held in August of each year, shall elect from the appointed members a Chairman and Vice-Chairman, whose terms shall be for one (1) year. No member of the Committee shall be eligible for election as Chairman or Vice-Chairman for more than two (2) consecutive terms; provided that any member of the Committee elected as Chairman or Vice-Chairman of the Committee and whose term of office as such has expired and a successor elected shall again be eligible for election to such office after two (2) years have elapsed following the expiration of the member's previous term as such officer.~~

~~(Ord. No. 2009-01.06, 1-6-09)~~

~~Sec. 6-5. Designation and general responsibilities of secretary.~~

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The Transportation Services Director, or his designee, shall serve as Secretary of the Transportation Advisory Committee. The Secretary shall be responsible for the preparation and distribution of all notices, agendas, minutes and advertisements of and for all meetings and public hearings of the Transportation Advisory Committee, to otherwise keep and maintain its records and to render and perform for the Transportation Advisory Committee such other service and duties as usually pertain to such office.

(Ord. No. 2009-01.06, 1-6-09)

Sec. 6-6. Time of regular meetings.

The Transportation Advisory Committee shall fix the time for holding regular meetings, but it shall meet at least once every three (3) months.

(Ord. No. 2009-01.06, 1-6-09)

Sec. 6-7. Call and notice of special meetings.

(a) — Special meetings of the Transportation Advisory Committee may be called by the Chairman, the City Manager or by two (2) members upon written request to the Secretary. The Secretary shall mail to all members, at least three (3) days in advance of a special meeting, except in the case an emergency at least three (3) hours before the time designated on the notice, a written notice fixing the time and place of a meeting and the purpose thereof.

(b) — Written notice of a special meeting of the Transportation Advisory Committee is not required if the time of a special meeting has been fixed at a regular meeting, or if all members are present at the special meeting or sign a written waiver of notice.

(Ord. No. 2009-01.06, 1-6-09)

Sec. 6-8. Quorum; majority vote required for action.

A majority of the appointed members of the Transportation Advisory Committee shall constitute a quorum and no action of the Committee shall be valid unless authorized by the majority vote of those present and voting.

(Ord. No. 2009-01.06, 1-6-09)

Sec. 6-9. Duties.

To effectuate this chapter, the Transportation Advisory Committee shall:

- (1) — Review and recommend to City Council such policies, as passenger fares, route and schedule changes, capital projects and other issues pertinent to the mass transit system for consideration by the City Council.
- (2) — Review and recommend for consideration by the City Council, short-range and long-range plans for the transit system, along with the funding sources to implement the plans.
- (3) — Review and recommend to the City Council an annual mass transit budget for submission to the City Manager and the Council.
- (4) — Monitor the Transportation Services Director's equitable and consistent administration of mass transit policies.
- (5) — Review and recommend priorities and goals for mass transit development and operations and recommend them to the Council.

(Ord. No. 2009-01.06, 1-6-09)

Sec. 6-10. Reserved.

PART II - CODE  
Chapter 6 - TRANSPORTATION AND AVIATION  
ARTICLE II. - DANVILLE REGIONAL AIRPORT  
DIVISION 2. AIRPORT COMMISSION

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~~DIVISION 2. AIRPORT COMMISSION~~

~~Sec. 6-30. Created; exemption from certain state law.~~

~~Pursuant to the authority granted in section 5-1-41 of the Code of Virginia, there is hereby created the Airport Commission, the duties of which shall be as set forth in this division. It is expressly provided that the provisions of sections 5-1-35 and 5-1-36 of the Code of Virginia are not applicable to the Airport Commission.~~

~~(Ord. No. 86-1.3, § 8-2, 1-7-86)~~

~~Sec. 6-31. Composition; appointment and oath of members.~~

~~(a) The Airport Commission shall consist of eight (8) members to be appointed by the Council as follows:~~

~~(1) At least four (4) members shall be residents of the City;~~

~~(2) At least two (2) of the eight members shall be licensed pilots.~~

~~(3) One (1) member shall be a member of the Danville Development Council.~~

~~(4) At least two (2) members shall be at large appointees appointed from either Caswell County, Pittsylvania County, Halifax County or a combination thereof.~~

~~(b) The City Manager, or his designee, and the Transportation Services Director shall be ex officio members of the Airport Commission without the right to vote or to serve as officers of the Commission. A majority of the Commission shall have business interests.~~

~~(c) Members of the Airport Commission shall be eligible for reappointment as such. Each appointed member of the Commission shall take an oath of office.~~

~~(Ord. No. 86-1.3, § 8-3, 1-7-86; Ord. No. 96-4.3, 4-2-96; Ord. No. 00-06.07, 6-20-00; Ord. No. 2000-10.09, 10-17-00; Ord. No. 2015-09.04, 9-1-15)~~

~~Sec. 6-32. Terms and removal of members; filling of vacancies.~~

~~Two (2) members of the Airport Commission shall be appointed for terms expiring June 30, 2001, three (3) members shall be appointed for terms expiring June 30, 2002, and three (3) members shall be appointed for terms expiring June 30, 2003. Subsequent appointments shall be for terms of three (3) years each, with a maximum eligibility for four (4) full terms. Vacancies on the Commission shall be filled by appointment of the Council for the unexpired term only. In each instance, members shall serve until their respective successors are appointed, confirmed and qualified. Members may be removed for malfeasance in office.~~

~~(Ord. No. 86-1.3, § 8-3, 1-7-86; Ord. No. 00-06.07, 6-20-00; Ord. No. 2000-10.09, 10-17-00; Ord. No. 2015-09.04, 9-1-15)~~

~~Sec. 6-33. Election and terms of Chairman and Vice-Chairman.~~

~~The Airport Commission, at an organizational meeting to be held in July of each year, shall elect from the appointed members a Chairman and Vice-Chairman, whose terms shall be for one (1) year. No member of the Commission shall be eligible for election as Chairman or Vice-Chairman for more than two (2) consecutive terms; provided that any member of the Commission elected as Chairman or Vice-Chairman of the Commission and whose term of office as such has expired and a successor elected~~

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shall again be eligible for election to such office after two (2) years have elapsed following the expiration of the member's previous term as such officer.

(Ord. No. 86-1.3, § 8-6, 1-7-86)

~~Sec. 6-34. Designation and general responsibilities of Secretary.~~

~~The Transportation Services Director shall serve as Secretary of the Airport Commission. The Secretary shall be responsible for the preparation and distribution of all notices, agendas, minutes and advertisements of and for all meetings and public hearings of the Airport Commission, to otherwise keep and maintain its records and to render and perform for the Airport Commission such other service and duties as usually pertain to such office.~~

(Ord. No. 86-1.3, § 8-6, 1-7-86; Ord. No. 96-4.3, 4-2-96)

~~Sec. 6-35. Time of regular meetings.~~

~~The Airport Commission shall fix the time for holding regular meetings, but it shall meet at least once every two (2) months.~~

(Ord. No. 86-1.3, § 8-4, 1-7-86; Ord. No. 00-06.07, 6-20-00)

~~Sec. 6-36. Call and notice of special meetings.~~

~~(a) Special meetings of the Airport Commission may be called by the Chairman, the City Manager or by two (2) members upon written request to the Secretary. The Secretary shall mail to all members, at least three (3) days in advance of a special meeting, except in the case an emergency at least three (3) hours before the time designated on the notice, a written notice fixing the time and place of a meeting and the purpose thereof.~~

~~(b) Written notice of a special meeting of the Airport Commission is not required if the time of a special meeting has been fixed at a regular meeting, or if all members are present at the special meeting or sign a written waiver of notice.~~

(Ord. No. 86-1.3, § 8-4, 1-7-86; Ord. No. 00-06.07, 6-20-00)

~~Sec. 6-37. Quorum; majority vote required for action.~~

~~A majority of the appointed members of the Airport Commission shall constitute a quorum and no action of the Commission shall be valid unless authorized by the majority vote of those present and voting.~~

(Ord. No. 86-1.3, § 8-5, 1-7-86)

~~Sec. 6-38. Duties.~~

~~To effectuate this chapter, the Airport Commission shall:~~

~~(1) Review and recommend to City Council such policies, as hangar fees, minimum operating standards, ground lease fees and the like for consideration by the City Council.~~

~~(2) Review and recommend for consideration by the Planning Commission and the City Council, short-range and long-range plans for the airport, along with the funding sources to implement the plans.~~

~~(3) Review and recommend to the City Council an annual airport budget for submission to the City Manager and the Council.~~

~~(4) Monitor the Transportation Services Director's equitable and consistent administration of airport policies.~~

~~(5) Review and recommend priorities and goals for airport development and operations and recommend them to the Council.~~

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(6) Give advice, support and aid to the City and the City Manager in promoting the airport for economic development, general aviation and commercial air service uses.

(Ord. No. 86-1.3, § 8-7, 1-7-86; Ord. No. 96-4.3, 4-2-96; Ord. No. 00-06.07, 6-20-00)

Sec. 6-39. Employees and consultants.

The City Manager, or his designee, with the approval of the Council, may appoint such employees and enter into contracts with engineers, architects and other consultants for such services as may be requested by the Commission from time to time.

(Ord. No. 86-1.3, § 8-6, 1-7-86; Ord. No. 00-06.07, 6-20-00)

Chapter 8 BONDSMEN<sup>18</sup>

Sec. 8-1. Violations of chapter.

Unless otherwise specifically provided, a violation of any provision of this chapter shall constitute a Class 3 misdemeanor.

Cross reference(s)—Penalty for Class 3 misdemeanor, § 1-11.

Sec. 8-2. Definitions.

The following words and phrases, when used in this chapter shall, for the purpose of this chapter, have the meanings respectively ascribed to them in this section, except in those instances where the context clearly indicates a different meaning:

*Bail bond.* The words "bail bond" shall include every recognizance or acknowledgment of indebtedness conditioned upon the appearance of any person charged with violation of law before any court or judicial officer having criminal jurisdiction.

*Bondsman.* The word "bondsman" shall mean every person, other than a corporation licensed to do business as a bonding company, who, for compensation, enters into any bail bond, other than as the principal.

*Collateral.* The word "collateral" shall include any money, note, stock, bond or any property, tangible or intangible, used or put up as security or indemnity for entering into a bail bond.

*Principal.* The word "principal" shall apply to the person charged with violation of law and whose appearance is required in any bail bond.

(Code 1962, § 10-21)

Sec. 8-3. Maximum fees.

(a) No bondsman shall receive compensation for executing any bail bond, or for any service in connection with effecting the release of a principal from custody, in excess of the following amounts:

(1) Where the appearance of the principal is to be before the Juvenile and Domestic Relations District Court or the General District Court or any Judge thereof, the compensation shall be ten (10) percent of the amount of the bond; provided that, in no instance shall the charge be less than five dollars (\$5.00).

(2) Where the appearance of the principal is to be before the Circuit Court or any Judge thereof, either originally or on appeal, the above rate shall apply, with an additional charge of five dollars (\$5.00) in each instance.

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<sup>18</sup>Cross reference(s)—License tax on bondsmen, § 20-55; prisoners, Ch. 29.

State law reference(s)—Licensing and regulation of professional bondsmen, Code of Virginia, §§ 19.2-152.1, 58.1-3724.

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(b) The above rate shall be based upon the aggregate amount of bonds executed for any one person at any one time, where more than one bond is executed. Where a case is continued without a final verdict or judgment therein as to the principal, no further charge shall be made for such continuance period.

{Code 1962, § 10-25}

Sec. 8-4. Refund of portion of fee upon surrender of principal.

Whenever any bondsman surrenders his principal under a bail bond prior to the time stipulated in the bond, or the time in which the case is continued, he shall refund to the principal a portion of the amount collected from the principal in proportion to the time such bond has been in effect and the time stipulated in the bond for the appearance of the principal. For the purposes of this section, upon any such surrender, time shall be computed from the date of the bond to the date of continuance, if such is the case.

{Code 1962, § 10-26}

Sec. 8-5. Preservation, identification and return of collateral.

Every bondsman shall faithfully and securely keep and preserve all collateral received from any principal or other person in his behalf for or on account of executing any bail bond, which shall, at all times prior to default in such bond, be clearly identified as the property of the person from whom received, and which shall, upon compliance by the principal with the terms and conditions of such bond, be returned to such principal or person from whom received.

{Code 1962, § 10-27}

Sec. 8-6. Forfeiture of collateral.

Any bondsman who violates section 8-3 or 8-4 shall forfeit all collateral held by him and all money and other things paid to him for the bond involved. Such forfeiture shall be for the benefit of any aggrieved person and may be ordered and enforced by either the court trying any criminal proceeding hereunder as a part of the same proceeding or by any civil court of appropriate jurisdiction. Such forfeiture shall be in addition to any penalty imposed for such violation.

{Code 1962, § 10-27}

Sec. 8-7. Receipt to be given principal.

Every bondsman shall, at the time of entering into any bail bond, give to his principal a receipt in writing, setting forth fully and accurately:

- (1) The amount of compensation paid or to be paid, and by whom;
- (2) The court and time in which the principal is to appear; and
- (3) The amount, kind and brief description of any collateral received or promised therefor.

Such receipt shall be on forms prescribed by the City Manager.

{Code 1962, § 10-23}

Sec. 8-8. Records to be kept.

Every bondsman shall keep a book or other record of all bail bonds executed by him, in which shall be accurately and fairly written, in the English language, the name of the principal; the court and time in which the principal is to appear; the amount of compensation paid or to be paid; the amount, kind and brief description of any collateral received or to be received therefor and the person from whom received or from whom to be received. Such book or record shall at all reasonable times be open to the

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inspection of the judge of any court of the City, the City Manager and the Chief of Police or other police officer duly appointed by him for such purpose.

~~(Code 1962, § 10-24)~~

### **Sec. 9-52. Administration and enforcement generally.**

(a) The administration and enforcement of the code adopted by this article is the responsibility of the Division of Inspections of the Department of Community Development, for which purpose such Division is hereby designated as the Building Department.

~~(b) The executive official in charge of the Building Department is the Director of the Division of Inspections of the Department of Community Development, who is hereby designated for such purpose as the Code Official.~~

~~(Ord. No. 86-4.4, § 2(5.3-3), (5.3-4), 4-1-86; Ord. No. 92-8.6, § 2, 8-4-92; Ord. No. 97-8.15, 8-5-97)~~

~~Cross reference(s) — Division of Inspections established, § 2-175.~~

### **Sec. 9-54. Board of Appeals — Established; composition; appointment, terms and compensation of members.**

~~There is hereby established the Board of Building Code Appeals. The Board shall consist of seven (7) members appointed by the Council for a term of three (3) years each. Each member of the Board shall receive a payment of fifteen dollars (\$15.00) for each meeting of the Board he or she attends.~~

~~(Ord. No. 86-4.4, § 2(5.3-6), 4-1-86; Ord. No. 87-6.23, 6-25-87; Ord. No. 97-8.15, 8-5-97)~~

### **Sec. 9-55. Same — Duties.**

~~The Board of Building Code Appeals shall have the duty and responsibility:~~

~~(1) To hear and decide appeals as provided by section 36-105 of the Code of Virginia and the current edition of the Virginia Uniform Statewide Building Code;~~

~~(2) To hear and decide on appeal from the decision of the Code Official whether or not buildings or structures must be removed or corrected under the provisions of section 9-3 of this Chapter, adopted pursuant to section 15.2-906 of the Code of Virginia; and~~

~~(3) To hear and decide appeals as provided by section 27-98 of the Code of Virginia and the current edition of the Virginia Statewide Fire Prevention Code.~~

~~(Ord. No. 86-4.4, § 2(5.3-6), 4-1-86; Ord. No. 88-7.13, § 2, 7-5-88; Ord. No. 88-10.7, § 2, 10-6-88; Ord. No. 97-8.15, 8-5-97; Ord. No. 98-06.39, § 3, 6-16-98; Ord. No. 2011-07.05, 7-5-11)~~

### **Sec. 9-56. Same — Appeal fee.**

~~Each appeal, to be considered by the Local Board of Building Code Appeals, shall be in writing and shall be accompanied by fees set forth in the City of Danville Fee Schedule paid to the order of the City of Danville, Virginia.~~

~~(Ord. No. 86-4.4, § 2(5.3-6), 4-1-86; Ord. No. 87-6.24, 6-25-87; Ord. No. 97-8.15, 8-5-97; Ord. No. 2011-07.05, 7-5-11)~~

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### **Sec. 9-83. Code official.**

The executive official in charge of the enforcing agency and of the enforcement of the provisions of the Virginia Uniform Statewide Building Code relating to the maintenance of existing buildings is the Director of the Inspections Division of the Department of Community Development, who is designated and referred to for such purpose as the Code Official.

(Ord. No. 86-11.2, 11-6-86; Ord. No. 92-8.6, § 3, 8-4-92; Ord. No. 96-7.8, 7-2-96; Ord. No. 97-8.15, 8-5-97; Ord. No. 2011-07.05, 7-5-11)

### **Sec. 18-24.10. Procedures for receipt or initiation of complaint; notice to parties; filing of answer.**

- (a) ~~—A complaint under section 18-44 shall be filed with the Board in writing one year after the alleged discriminatory housing practice occurred or terminated. For the protection of the privacy of the individuals involved, in personal matters, every complaint shall be held in confidence by the Board and the Administrator, unless and until the complainant and the person complained against consent to it being made public or until a hearing.~~
- (b) ~~—Upon the filing of a complaint, the Administrator shall forward such complaint to the Virginia Fair Housing Office and HUD Fair Housing Office simultaneously for processing and investigation; and/or process the complaint directly, and make such investigation as he or she deems appropriate to ascertain the facts.~~
- (c) ~~—Any respondent may file an answer to a complaint. Complaints and answers must be made in writing, under oath or affirmation, and in such form as the Board requires. Complaints and answers may be reasonably and fairly amended at any time.~~
- (d) ~~—Upon the filing of a complaint or initiation of a complaint by the Board or its designee, the Board shall provide written notice to the parties as follows:~~
- ~~(1) —To the aggrieved person acknowledging the filing and advising such person of the time limits and choice of forums under this article and under the Virginia Fair Housing Law; and~~
  - ~~(2) —To the respondent, not later than ten (10) days after such filing or the identification of an additional respondent under subsection (b), identifying the alleged discriminatory housing practice and advising such respondent of the procedural rights and obligations of respondents under this article with a copy of the original complaint and copies of any supporting documentation referenced in the complaint.~~

(Ord. No. 91-6.11, § 2, 6-4-91; Ord. No. 2002-11.01, 11-7-02)

### **Sec. 18-24.11. Procedures for investigation.**

- (a) ~~—The Board shall commence proceedings with respect to a complaint within fifteen (15) days after receipt of the complaint, and shall complete the investigation within fifty (50) days thereof unless it is impracticable to do so. If the Board is unable to complete the investigation within fifty (50) days after the receipt of the complaint, the aggrieved person and the respondent shall be notified in writing of the reasons for not doing so; however, in no event shall the investigation extend beyond one hundred eighty (180) days from the receipt of the complaint by the Board.~~
- (b) ~~—When conducting an investigation of a complaint filed under this article, the Board shall have the right to interview any person who may have any information which may further its investigation and to request production of any records or documents for inspection and copying in the possession of any person which~~

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may further the investigation. Such persons shall be interviewed under oath. The Board or its designated subordinates shall have the power to issue and serve a subpoena to any such person to appear and testify and to produce any such records or documents for inspection and copying. Said subpoenas and discovery may be ordered to the same extent and subject to the same limitations as would apply if the subpoenas or discovery were ordered or served as part of a civil action in the City. In case of refusal or neglect to obey a subpoena, the Board may petition for its enforcement in the Circuit Court for the City. The hearing on such petition shall be given priority on the court docket over all cases which are not otherwise given priority on the court docket by law.

(c) ~~At the end of each investigation under this section, the Board shall prepare a final investigative report containing:~~

~~(1) The names and dates of contacts with witnesses;~~

~~(2) A summary and the dates of correspondence and other contacts with the aggrieved person and the respondent;~~

~~(3) A summary description of other pertinent records;~~

~~(4) A summary of witness statements; and~~

~~(5) Answers to interrogatories.~~

A final report under this subsection may be amended if additional evidence is later discovered.

(d) ~~The Board shall make available to the aggrieved person and the respondent, at any time, upon request following completion of the Board's investigation, information derived from an investigation and any final investigative report relating to that investigation.~~

(Ord. No. 91-6.11, § 2, 6-4-91; Ord. No. 2002-11.01, 11-7-02)

### **~~Sec. 18-24.12. Reasonable cause determination and effect.~~**

~~The Board shall, within fifty (50) days after the filing of a complaint, determine, based on the facts and after consultation with the Office of the City Attorney, whether reasonable cause exists to believe that a discriminatory housing practice has occurred or is about to occur, unless it is impracticable to do so or unless the Board has approved a conciliation agreement with respect to the complaint. In no event, however, shall the investigation be extended beyond one hundred (100) days from the receipt of the complaint by the Board.~~

(Ord. No. 91-6.11, § 2, 6-4-91; Ord. No. 2002-11.01, 11-7-02)

### **~~Sec. 18-24.13. No reasonable cause determination and effect.~~**

~~If the Board determines that no reasonable cause exists to believe that a discriminatory housing practice has occurred or is about to occur, the Board shall promptly dismiss the complaint notifying the parties within thirty (30) days of such determination. The Board shall make public disclosure of each dismissal.~~

(Ord. No. 91-6.11, § 2, 6-4-91; Ord. No. 2002-11.01, 11-7-02)

### **~~Sec. 18-24.14. Conciliation.~~**

~~During the period beginning with the filing of such complaint and ending with the filing of a charge or a dismissal by the Board, the Board shall, to the extent feasible, engage in conciliation with respect to such complaint.~~

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- (1) ~~A conciliation agreement arising out of such conciliation shall be agreement between the respondent and the complainant, and shall be subject to approval by the Board.~~
  - (2) ~~A conciliation agreement may provide for binding arbitration of the dispute arising from the complaint. Any such arbitration that results from a conciliation agreement may award appropriate relief, including monetary relief.~~
  - (3) ~~Each conciliation agreement shall be made public unless the complaint and respondent otherwise agree and the Board determines that disclosure is not required to further the purpose of this article.~~
  - (4) ~~Whenever the Board has reasonable cause to believe that a respondent has breached a conciliation agreement, the Board may refer the matter to the Real Estate Board with a recommendation that appropriate enforcement action be taken as provided by law.~~
  - (5) ~~Any and all information not otherwise admissible in a court of law derived from the investigation, the investigative report, or the copy of the proposed conciliation agreement to which one (1) or more parties objected shall be precluded from use as evidence in any subsequent proceedings by the Board in arbitration or in a court of competent jurisdiction.~~

(Ord. No. 91-6.11, § 2, 6-4-91; Ord. No. 2002-11.01, 11-7-02)

#### **Sec. 18-24.15. Issuance of a charge.**

- (a) ~~Upon failure to resolve a complaint by conciliation and after consultation with the Office of the City Attorney, the Board shall issue a charge on behalf of the aggrieved person or persons and shall immediately refer the charge to the Real Estate Board. The Board may not issue a charge under this section regarding an alleged discriminatory housing practice after the beginning of a trial of a civil action commenced by the aggrieved party under an Act of Congress or a state law seeking relief with respect to that discriminatory housing practice. Such charge:~~
  - (1) ~~Shall consist of a short and plain statement of the facts upon which the Board has found reasonable cause to believe that a discriminatory housing practice has occurred or is about to occur;~~
  - (2) ~~Shall be based on the final investigative report; and~~
  - (3) ~~Need not be limited to the acts or ground alleged in the complaint filed under section 18-24.10.~~
- (b) ~~After the Board issues a charge under this section, the Board shall cause a copy thereof to be served on each respondent named in such charge and on each aggrieved person on whose behalf the complaint was filed.~~

(Ord. No. 91-6.11, § 2, 6-4-91; Ord. No. 2002-11.01, 11-7-02)

#### **Sec. 18-24.16. Article does not affect other rights and remedies.**

~~Nothing contained in this article shall prevent any person from exercising any right or seeking any remedy to which he might otherwise be lawfully entitled or from filing any complaint with any public agency.~~

(Ord. No. 91-6.11, § 2, 6-4-91; Ord. No. 2002-11.01, 11-7-02)

#### **Sec. 18-24.17. Suspension or revocation of real estate license for violation of article.**

~~If any real estate broker or salesperson is found by a court to have violated any provision of this article, the Board shall so certify to the appropriate licensing agency which, after notification to the license, shall take appropriate action to consider a suspension or revocation of the license of the licensee.~~

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(Ord. No. 91-6.11, § 2, 6-4-91; Ord. No. 2002-11.01, 11-7-02)

**Sec. 18-24.18. Application of article.**

If any provision of this article or the application thereof to any person or circumstances is held invalid, the invalidity shall not affect the other provisions or applications of this article which can be given effect without the invalid provisions or application, and to this end the provisions of this article are severable.

(Ord. No. 91-6.11, § 2, 6-4-91; Ord. No. 2002-11.01, 11-7-02)

**Sec. 18-24.19. Construction of law.**

Nothing in this article shall abridge the Federal Fair Housing Act of 1968 (42 U.S.C. section 3601 et seq.) as amended, or the Virginia Fair Housing Law (section 36-96.1 et seq. of the Code of Virginia, 1950, as amended).

(Ord. No. 91-6.11, § 2, 6-4-91; Ord. No. 2002-11.01, 11-7-02)

***DIVISION 2. FAIR HOUSING BOARD***

**Sec. 18-36. Created; composition; appointment of members.**

There is hereby created in the City a Fair Housing Board, which shall consist of five (5) members, all of whom shall reside in the City. The members shall be appointed by the Council.

(Ord. No. 82-9.6, § 8.4-10, 9-14-82; Ord. No. 2002-03.01, 3-5-02)

Cross-reference(s)—Procedure for appointments to boards and to commissions, § 2-40.

**Sec. 18-37. Terms of members.**

Of the members of the Board first appointed, two (2) shall be appointed for terms of three (3) years, one shall be appointed for a term of two (2) years and two (2) shall be appointed for terms of one year each, all such terms commencing on the first day of December, 1982. Thereafter, members shall be appointed for terms of three (3) years each. All members appointed to the Board may be reappointed for subsequent three (3) year terms. Any vacancy shall be filled by the Council for the unexpired portion of the term.

(Ord. No. 82-9.6, § 8.4-10, 9-14-82)

**Sec. 18-38. Members to serve without compensation.**

The members of the Board shall serve without compensation.

(Ord. No. 82-9.6, § 8.4-10, 9-14-82)

**Sec. 18-39. Removal of members.**

Any member of the Board may be removed by the Council upon good cause appearing to the Council.

(Ord. No. 82-9.6, § 8.4-10, 9-14-82)

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**~~Sec. 18-40. Vacancy caused by absences.~~**

~~Any meeting of the Fair Housing Board called by the Chairman or members of the Board with written notice thereon in accordance with policy and procedures established by the Board or approved by the Board will be deemed a regular meeting thereof and a failure of any meeting of the Board to attend such a regular meeting which results in the total attendance of such person at the regular meetings thereof to fall below seventy-five (75) percent or less for any twelve-month period shall be deemed an implied resignation of that office by such person as provided in section 2-45 of this Code.~~

~~(Ord. No. 82-9.6, § 8.4-10, 9-14-82; Ord. No. 86-12.15, 12-16-86)~~

**~~Sec. 18-41. Election of Chairman and Vice-Chairman; rules of procedure.~~**

~~At the first meeting of the Board following annual appointments thereto, the Board shall elect a Chairman and Vice-Chairman from its membership and establish such procedures of organization and conduct as it may deem necessary.~~

~~(Ord. No. 82-9.6, § 8.4-11, 9-14-82)~~

**~~Sec. 18-42. Meetings; required vote for final decision.~~**

~~The Board shall meet not less than quarter-annually and upon call of the Chairman or of any two (2) members of the Board. All meetings of the Board shall be with due written notice to each member. Any final decision of the Board shall be with the concurring vote of three (3) of the members.~~

~~(Ord. No. 82-9.6, § 8.4-11, 9-14-82)~~

**~~Sec. 18-43. Administrator generally.~~**

~~There shall be an Administrator of the Board, who shall also be referred to as the City's Fair Housing Officer. The Administrator shall not be a member of the Board and shall be appointed by the City Manager. He shall serve as Secretary of the Board and shall be responsible for keeping the records of the Board's proceedings. The position of Administrator shall be included in the pay and classification plan of the City and subject to the provisions of the City's personnel ordinances and regulations. The Administrator may be a person otherwise employed by the City and the duties of the administration of this article may be assigned in addition to other duties.~~

~~(Ord. No. 82-9.6, § 8.4-10, 9-14-82)~~

**~~Sec. 18-44. Authority and duties and procedure with respect to alleged discriminatory practices.~~**

~~(a) The Board shall have authority and it shall be the Board's duty to receive, investigate, and determine the validity of complaints regarding discriminatory housing practices in the City. To that end, the Administrator shall formulate a written policy consistent with the provisions of sections 18-24.10 through 18-24.15 and this section for handling complaints and shall obtain approval from the Board and the City Manager of such policy. The policy shall permit the Administrator and the Board to initiate investigations and complaints on their own motion, in addition to providing a procedure for handling the written complaints of persons who allegedly have been affected by discriminatory housing practices; provided, however, that no complaint shall be received or initiated more than one year after the alleged discriminatory practice. Upon receiving a~~

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complaint or initiating its own complaint and investigation, the Board shall report to the Virginia Real Estate Board and coordinate its handling of the investigation with that agency. The person accused of violation of this article shall be afforded an opportunity to be heard by the Board and to present his response to the charge in person or by his legal counsel and shall be otherwise entitled to due process under the law. The Board and the accused shall have the power to subpoena witnesses in their behalf.

(b) If the Board finds that a discriminatory housing practice has occurred, it shall report its finding to the Virginia Real Estate Board for appropriate enforcement action as provided by law.

(Ord. No. 82-9.6, § 8.4-11, 9-14-82; Ord. No. 91-6.11, § 3, 6-4-91; Ord. No. 2002-11.01, 11-7-02)

### **Sec. 18-45. Educational programs, workshops, etc.**

In addition to its other powers, the Board may arrange programs, workshops or other educational media to promote mutual understanding and respect among all social, racial, cultural, ethnic, religious and minority groups in the City, with the objective of eliminating the underlying basis for discriminatory housing practices.

(Ord. No. 82-9.6, § 8.4-11, 9-14-82)

### **Sec. 18-46. Reports.**

The Board shall render, as of the first day of January of each year and thereafter quarterly during each year, to the Council a full written report of its activities under the provisions of this article and any recommendations of the Board concerning measures to be taken to further the purpose of this article.

(Ord. No. 82-9.6, § 8.4-11, 9-14-82)

### **Sec. 23-2. Obstructing or interfering with city officers or employees.**

(a) If any person without just cause knowingly obstructs a judge, magistrate, justice, juror, attorney for the Commonwealth, witness, any law enforcement officer or any City employee lawfully engaged in the performance of his duties as such or fails or refuses without just cause to cease such obstruction when requested to do so by such judge, magistrate, justice, juror, attorney for the Commonwealth, witness, law enforcement officer or City employee, he shall be guilty of a Class 2 misdemeanor.

(b) If any person, by threats or force, knowingly attempts to intimidate or impede a judge, magistrate, justice, juror, attorney for the Commonwealth, witness, any law enforcement officer or City employee, lawfully engaged in the performance of his duties as such, or to obstruct or impede the administration of justice in any court, he shall be deemed to be guilty of a Class 1 misdemeanor.

(Code 1962, § 13-4; Ord. No. 99-03.08, 3-2-99; Ord. No. 2010-01.05, 1-5-10)

Cross-reference(s) — Penalty for Class 1 misdemeanor, § 1-11; interfering with firemen, § 14-3.

### **Sec. 25-12. The Veteran's Memorial Of Danville/Pittsylvania County.**

(a) The Veterans Memorial located in Dan Daniel Memorial Park shall permanently be named "The Veteran's Memorial of Danville/Pittsylvania County" and it is hereby recognized as a Memorial site as designated and defined in sections 15.2-1812 and 18.2-137 of the Code of Virginia 1950 as may be amended from time to time.

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- (b) ~~No additions or items may be placed in or at the memorial site without the express written permission of the City Manager or his designee.~~
- (c) ~~The use design, qualifications, and maintenance of The Veteran's Memorial of Danville/Pittsylvania County shall be governed by established regulations drafted by the Department of Parks, Recreation, and Tourism.~~
- (d) ~~The City Manager shall appoint a committee of seven (7) members whose functions shall include fundraising, future development of the memorial, and aid in the drafting of regulations to assist the Department of Parks, Recreation, and Tourism in the enforcement of these code provisions all in conjunction with the City of Danville and the Department of Parks, Recreation, and Tourism.~~
- (e) ~~The above mentioned committee, appointed by the City Manager, shall consist of the Director of Public Works, the Director of Parks, Recreation, and Tourism, one (1) attorney, two (2) representatives from local veterans groups, and two (2) at large members, who are veterans, selected and appointed by the committee one (1) of which must be a resident of the City of Danville and one (1) which must be a resident of Pittsylvania County.~~
- (f) ~~The criminal provisions contained in section 18.2-137 of the Code of Virginia 1950, as may be amended from time to time, as well as the civil provisions contained in section 15.2-1812.1 of the Code of Virginia 1950, as may be amended from time to time, shall apply to the Veteran's Memorial of Danville/Pittsylvania County.~~
- (Ord. No. 2008-04.08, 4-1-08; Ord. No. 2009-04.07, 4-21-2009)

## ***ARTICLE IV. SPECIAL POLICE OFFICERS***

### **~~Sec. 27-57. Appointment of special police officers.~~**

~~The City Manager may, from time to time, petition the Circuit Court for the appointment of selected city employees as special police officers for the enforcement of designated provisions of this Code, pursuant to the provisions of section 19.2-17 of the Code of Virginia.~~

~~(Ord. No. 89-1.4, 1-3-89)~~

### **~~Sec. 27-58. Compliance with regulations.~~**

~~Any such persons appointed as special police officers shall comply with all regulations applicable to police officers for the City of Danville.~~

~~(Ord. No. 89-1.4, 1-3-89)~~

### **~~Sec. 27-59. Personnel records; termination of employment.~~**

~~The Director of Personnel shall maintain copies of the orders of appointment of such special police officers with the personnel records of the employees. Upon termination of employment of any such special police officer, the Director of Personnel shall immediately notify the City Manager and the City Attorney, who shall forthwith notify the Circuit Court of the change in the employee's status and petition for revocation of the order of appointment.~~

~~(Ord. No. 89-1.4, 1-3-89)~~

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### **Sec. 32-21. Board of Trustees generally.**

- (a) ~~The general administration and management and the responsibility for the proper operation of the system and for making effective the provisions of this chapter are hereby vested in the Board of Trustees of the system, which shall be organized immediately after five (5) of the trustees provided for in this section have qualified and taken the oath of office.~~
- (b) ~~The Board shall consist of nine (9) trustees, as follows:~~
- ~~(1) The City Manager, ex officio.~~
  - ~~(2) The Mayor, or a Council member who is his designee, ex officio.~~
  - ~~(3) The Director of Finance, ex officio.~~
  - ~~(4) Three (3) trustees who shall be City employees who have as many as five (5) years of creditable service in the system. Such trustees shall be elected by the City employees who are members of the system by such method as may be prescribed by the Board for terms of two (2) years; provided that, upon separation from the City, an employee's trusteeship shall thereby terminate.~~
  - ~~(5) Three (3) trustees who are citizens of the City and not members of the system shall be appointed by the Council for terms of two (2) years.~~
- (c) ~~If a vacancy occurs in the office of a trustee, the vacancy shall be filled for the unexpired term in the same manner as the office was previously filled.~~
- (d) ~~The trustees shall serve as such without compensation.~~
- (e) ~~Each trustee shall be entitled to one (1) vote in the Board. Five (5) concurring votes shall be necessary for a decision by the trustees at any meeting of the Board, and five (5) trustees shall constitute a quorum of the Board.~~
- (f) ~~Subject to the limitations of this chapter, the Board shall, from time to time, establish rules and regulations for the administration of the system and for the transaction of its business.~~
- (g) ~~The Board shall elect from its membership a Chairman and a Vice-Chairman and shall appoint a Secretary who may or may not be a member of the Board. There shall be elected an Executive Secretary, for a two-year term, by the members of the Board. If a person voted upon for the office of Executive Secretary is, at the time of such voting, a member of the Board, he shall not be eligible to participate in such voting. The Executive Secretary shall perform such duties as the Board may from time to time prescribe. The Board may employ such actuarial, medical or other services as shall be required.~~
- (h) ~~The Board shall keep in convenient form such data as shall be necessary for actuarial valuation of the system and for checking the experience of the system.~~

~~(Ord. No. 2018-08.09, 8-21-18)~~

### **Sec. 32-24. Board's legal adviser.**

~~The City Attorney shall be the legal adviser of the Board and as such, shall approve all agreements as to form and legality.~~

~~(Ord. No. 2018-08.09, 8-21-18)~~

~~Cross reference(s)—City Attorney, § 2-109 et seq.~~

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**Sec. 35-61. - Banners and decorative materials encroaching across streets.**

- ~~(a) *Materials overhanging the street.* It shall be unlawful for any person to place across or overhanging any City street, alley, or sidewalk any banner, or any decorative or other materials.~~
- ~~(b) *Holiday decorations.* The provisions of this section shall not apply to or in any way affect the placing or hanging by the City of holiday decorations, flags, or, subject to the prior approval of the City Manager, other appropriate banners or materials across or overhanging City streets, alleys, or sidewalks of the City.~~
- ~~(c) *Local legends banner display program.* The provisions of this section shall not apply to or in any way affect the permitted placing or hanging of banners authorized by the "local legends banner display program" created herein. Such program shall provide an opportunity for persons to recognize and honor Danville residents who have achieved recognition on a national or international basis for their positive and notable achievements. The programs shall be conducted in the following manner:~~
- ~~(1) *Banner applications.* Applications to sponsor a local legend banner displays must be submitted in writing to the City Clerk. Upon receipt of such application, the City Clerk shall provide a copy to the Local Legends Banner Committee.~~
- ~~(3) *Banner Committee.* The Local Legends Banner Committee shall consist of five (5) members. The Committee shall include one (1) sitting Council member and one (1) citizen at large, each appointed by the Mayor. The Committee shall also include the City Manager and two (2) sitting Department Directors appointed thereby.~~
- ~~(3) *Committee responsibilities.* The Committee shall develop program guidelines and review applications properly submitted to the City Clerk. Only persons recommended by the Committee and approved by City Council will be eligible to be featured on sponsored banners.~~
- ~~(4) *Banner locations.* Approved banners will be permitted to be attached with brackets to designated City-owned poles in the center medians on Riverside Drive and South Boston Road, as well as in other locations that may be designated by the Committee. Brackets shall be designed and installed by the City. Approved banners shall be designed by the City, with input provided by the sponsor.~~
- ~~(5) *Program costs.* The costs of the banners, brackets, and installation shall be the sole responsibility of the applicant or sponsor. A cost estimate shall be provided by the City to the applicant or sponsor prior to the approval of the application. Routine maintenance of the brackets and banner display shall be performed by the City; however should the banner become frayed, torn, defaced, or excessively faded the replacement cost shall be the sole responsibility of the applicant or sponsor.~~
- ~~(6) *Program duration.* Approved banners may remain on display for a period of five (5) years, after which time the applicant or sponsor may provide for the replacement thereof pursuant to this section. A standard five (5) year right-of-way use agreement shall be required prior to any installation.~~

~~(Ord. No. 2025-02.03, 2-18-25)~~

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### **Sec. 39-101. Ambulance Committee.**

- (a) ~~There shall be established a standing committee of City Council to be designated as the Ambulance Committee. This Committee shall perform the functions described and assigned by this chapter, as well as such functions as may from time to time be assigned to it by City Council.~~
- (b) ~~The Committee shall consist of five (5) members and two (2) alternates, as may be appointed by the Mayor, but shall consist of at least three (3) Councilmembers. Other members may be representatives or employees of medical facilities, nursing homes, [and/or] public health agencies, but shall not include any person holding an ambulance operator's permit or an employee of any person holding an ambulance operator's permit or the Emergency Services and Communications Director. The Emergency Services and Communications Director shall attend meetings of the Committee and provide staff assistance to the Committee. The Chairman and Vice-Chairman of the Committee shall be members of Council, and appointed by the Mayor.~~
- (c) ~~Members of the Committee shall be appointed for terms of two (2) years. Initially, three (3) members of the Committee and one (1) alternate shall be appointed for terms of one (1) year, and two (2) members and one (1) alternate will be appointed for a term of two (2) years.~~
- (d) ~~The Committee shall perform the following duties:~~
- ~~(1) Review applications for operator's permits;~~
  - ~~(2) Recommend to Council the issuance of temporary permits, as provided in this chapter;~~
  - ~~(3) Recommend the issuance or non-issuance of operator's permits;~~
  - ~~(4) Receive and process complaints, as provided in section 39-111 of this chapter;~~
  - ~~(5) Recommend to Council disciplinary action, as provided in this chapter;~~
  - ~~(6) Review and recommend changes in the City Code relating to the provision of ambulance service;~~
  - ~~(7) Review proposed rate increases and make recommendations to Council concerning such proposed rate increases;~~
  - ~~(8) Periodically review the adequacy and quality of ambulance service being provided in the City;~~
  - ~~(9) Provide information to the public regarding the availability of ambulance service; and~~
  - ~~(10) Perform all other duties set out in this chapter or assigned by Council.~~
- (e) ~~The Committee shall meet on an as-needed basis.~~
- (f) ~~In order to properly perform its duties, the Committee is authorized to form an advisory group made up of persons having the technical and professional knowledge and experience necessary to assist the Committee in reviewing the adequacy and quality of the ambulance service being provided in the City or which is proposed for the City.~~
- ~~(Ord. No. 91-4.5, 4-2-91; Ord. No. 95-4.14, § 1, 4-4-95; Ord. No. 96-11.11, 11-7-96; Ord. No. 2018-06.13, 6-19-18)~~