



DANVILLE CITY COUNCIL REGULAR MEETING AGENDA

MUNICIPAL BUILDING

May 21, 2019

7:00 P.M.

PRESIDING: Alonzo L. Jones, Mayor

CITY COUNCIL MEMBERS: James B. Buckner
L.G. "Larry" Campbell, Jr.
Dr. Gary P. Miller
Sherman M. Saunders

Fred O. Shanks, III
Adam J. Tomer
J. Lee Vogler, Jr., Vice Mayor
Madison J. Whittle

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

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

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

Time and Place of Meeting

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

Communications from Visitors

Communication from Visitors is an opportunity for citizens to address Council on matters not on the agenda. Citizens who desire to speak on agenda items will be heard when the agenda item is considered. Each speaker shall clearly state his or her name and address. Each individual speaker shall have five uninterrupted minutes. A representative of a group may have up to ten 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 - Dr. Gary P. Miller

PLEDGE OF ALLEGIANCE TO THE FLAG

ANNOUNCEMENTS AND SPECIAL RECOGNITION

Proclamation: Business Appreciation Week
Presented to: Alexis Ehrhardt

COMMUNICATIONS FROM VISITORS

Citizens who desire to speak on matters not listed on the agenda will be heard at this time. Citizens who desire to speak on agenda items will be heard when the agenda item is considered.

MEETING MINUTES

Consideration of Approval of Minutes from Regular Council Meeting held on April 16, 2019.
Council Letter Number CL - 2118.

OLD BUSINESS

- A. Consideration of Approving the Fiscal Year 2020 Danville Public Schools Budget.
Council Letter Number CL - 2112

A Resolution Approving the Budget of the School Board of the City of Danville for the Fiscal Year Ending June 30, 2020.

FINAL ADOPTION

NEW BUSINESS

- A. Consideration of Authorizing the City Manager to Renew the Community Garden License with Right Touch Christian Church.
Council Letter Number CL - 2098.

1. Public Hearing
2. A Resolution Authorizing the City Manager to Renew the Existing License for Community Gardening on North Main Street.

- B. Consideration of Amending the FY 2019 Budget Appropriation Ordinance for Funds for the Victim Witness Program in the Amount of \$177,083.
Council Letter Number CL - 2106.

An Ordinance Amending the Fiscal Year 2019 Budget Appropriation Ordinance to Provide for a Grant from the State for a Victim Witness Program in the Amount of \$177,083 and Appropriating Same.

FIRST READING

- C. Consideration of Amending the FY 2019 Budget Appropriation Ordinance to Appropriate Funds for the Domestic Violence Victim Program Grant in the Amount of \$44,635.
Council Letter Number CL - 2107.

An Ordinance Amending the Fiscal Year 2019 Budget Appropriation Ordinance to Provide for a Grant from the State for a Domestic Violence Victim Program Grant in the Amount of \$44,635 and Appropriating Same.

FIRST READING

- D. Consideration of Amending the Danville City Code to Increase the Real Estate Tax.
Council Letter Number CL - 2117.

1. Public Hearing
2. An Ordinance Amending and Reordaining Sections 37-27, 37-28 and 37-29 of the Danville City Code thereby Increasing the Real Estate Tax from Eighty (80) Cents on every One Hundred Dollars to Eighty-Four (84) Cents on every One Hundred Dollars of Assessed Value Effective July 1, 2019.

FIRST READING

- E. Consideration of Amending Danville City Code to Increase the Tax on Transient Lodgers and Implement a Room Occupancy Tax.
Council Letter Number CL - 2116.

1. Public Hearing
2. An Ordinance Amending and Reordaining Section 37-97 of the Danville City Code to Increase the tax on Transient Lodgers from Seven (7) Percent to Eight (8) Percent and to Implement a \$2.00 Per Day Room Occupancy Tax Effective July 1, 2019.

FIRST READING

COMMUNICATIONS FROM:

- A. City Manager
- B. Deputy City Manager
- C. City Attorney
- D. City Clerk
- E. Roll Call

ADJOURNMENT

Council Letter

City of Danville, Virginia



CL-2118

Meeting Minutes Item #:

City Council Regular Meeting

Meeting Date: 05/21/2019

Subject: Approval of Meeting Minutes

From: Susan M. DeMasi, City Clerk

COUNCIL ACTION

Business Meeting: 05/21/2019

SUMMARY

Consideration of Approval of Minutes from Regular Council Meeting held on April 16, 2019.

Council Letter Number CL - 2118.

Attachments

Meeting Minutes

April 16, 2019

The Second Regular April meeting of the Danville City Council was held on April 16, 2019, at 7:00 p.m. in the Council Chambers located on the Fourth Floor of the Municipal Building. The following Council Members were present: L.G. "Larry" Campbell Jr., Mayor Alonzo L. Jones, Dr. Gary P. Miller, Sherman M. Saunders, Fred O. Shanks, III, Vice Mayor J. Lee Vogler, Jr., and Madison J.R. Whittle (8). Adam J. Tomer were absent (1). *Mr. Shanks entered the meeting at 7:02 p.m.*

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

Mayor Jones presided.

INVOCATION AND PLEDGE OF ALLEGIANCE

The Invocation was given by L.G. "Larry" Campbell, Jr., followed by the Pledge of Allegiance to the Flag, led by Boy Scout Troop #356.

ANNOUNCEMENTS AND SPECIAL RECOGNITIONS

Mayor Jones read a Proclamation proclaiming the week of April 14-20, 2019, Public Safety Telecommunicators Week in the City of Danville, and presented it to Fire Chief David Eagle. Mayor Jones recognized the City's Telecommunicators attending the meeting, and Chief Eagle thanked Council for the recognition.

Mayor Jones read a Proclamation proclaiming May 20, 2019 as Make Danville Shine month and encouraged citizens to Clean Up, Paint Up and Fix Up, and presented it to Norma Brower and Justina Megginson. Ms. Megginson explained this is the seventh year of Make Danville Shine, and the program encourages homeowners in the City of Danville to clean up their neighborhoods and make home repairs. The kick off event is Saturday, May 4th at the Community Market.

Mayor Jones read a Proclamation, proclaiming April 20, 2019 as Fair Housing Month in the City of Danville, and presented it to Norma Brower. Ms. Brower noted April is Fair Housing Month, she has a display explaining facts about Fair Housing as well as Domestic Violence, and encouraged citizens to stop by the display. Council Members thanked Ms. Megginson and Ms. Brower for what they are doing.

Mayor Jones recognized the Administrators, Teachers, Support Team and Parents from Danville Public Schools attending this evening. Dr. Stan Jones, Superintendent of Danville Public Schools addressed Council and citizens, and thanked them for their support of DPS through increased investments over the years, and better working relationships between Council, the School Board and between City and School staff. Ms. Teri Hall, Chairperson of the Danville School Board addressed Council thanking them for the City's investment in public education. Ms. Hall discussed School Board goals regarding school accreditation standards, increased teacher pay, the City's support for budget requests and investments in DPS.

COMMUNICATIONS FROM VISITORS

Mayor Jones recognized Angela Baldwin, 1924 Churchview Court, Millersville MD, business owner of Colonial Heights Apartments in Danville, who discussed flooding events over the past year and the debris at the Norfolk Southern Railroad trestle, storm drainage pipes and her utility bills.

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Mayor Jones recognized Greg Anderson, River Oak Drive, parent of a son in the fifth grade, who noted he was in support of more funding for the schools, and discussed some of the discretionary funding in the City budget.

Mayor Jones recognized Cherie Tamson, Woodberry Hills, Danville, who discussed the IDA loan repurchase agreement, funding for teacher salary increases and funding for the schools.

CONSENT AGENDA

Mayor Jones opened the floor for a Public Hearing regarding the Consent Agenda. The Public Hearing for the Budget Items was published in the *Danville Register & Bee* on April 9, 2019. No one present desired to be heard the Public Hearing was closed.

Council Member Campbell **moved** to approve the following Consent Agenda items:

Minutes from the Regular Council Meeting held on March 19, 2019; draft copies had been distributed prior to the meeting.

Amending the Fiscal Year 2019 Budget Appropriation Ordinance for a Project on South Union Street in the Amount of \$350,000

An Ordinance entitled Ordinance No. 2019-04.02, Presented by its First Reading on April 2, 2019, Amending the Fiscal Year 2019 Budget Appropriation Ordinance for a Project to be Undertaken within the City of Danville on South Union Street and to be Financed Anticipating Revenue Sharing Program Funds from the Virginia Department of Transportation in the Amount of \$350,000.00.

Amending the Fiscal Year 2019 Budget Appropriation Ordinance for a Project on Main Street in the Amount of \$350,000

An Ordinance entitled Ordinance No. 2019-04.03, Presented by its First Reading on April 2, 2019, Amending the Fiscal Year 2019 Budget Appropriation Ordinance for a Project to be Undertaken within the City of Danville on Main Street and to be Financed Anticipating Revenue Sharing Program Funds from the Virginia Department of Transportation in the Amount of \$350,000.00.

Amending the Fiscal Year 2019 Budget Appropriation Ordinance for a Project on Riverside Drive in the Amount of \$483,652

An Ordinance entitled Ordinance No. 2019-04.04, Presented by its First Reading on April 2, 2019, Amending the Fiscal Year 2019 Budget Appropriation Ordinance for a Project to be Undertaken within the City of Danville on Riverside Drive and to be Financed Anticipating Revenue Sharing Program Funds from the Virginia Department of Transportation in the Amount of \$483,652.00.

Amending the Fiscal Year 2019 Budget Appropriation Ordinance for State Aviation Capital Grant Funding and the Local Share in the Amount of \$684,329

An Ordinance entitled Ordinance No. 2019-04.01, Presented by its First Reading on April 2, 2019, Amending the Fiscal Year 2019 Budget Appropriation Ordinance to Provide for Additional State Aviation Funding for the Purpose of Completing Design Services to Update the Airport Layout Plan and to Support the Expansion of Hangar Facilities and the Walking

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Trail and for Construction Activities to Rehabilitate T-Hangar Taxi-Lanes in the Amount of \$652,525 plus the Local Share in the Amount of \$31,804 to be Provided by a Transfer from the General Fund Support of Special Grants and Appropriating Same.

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

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

Certificate of Recognition

Following approval of the Consent Agenda, Mayor Jones read a Certificate of Recognition for the Danville Pittsylvania Cancer Association for the tenth anniversary of the Bridge to Bridge fundraiser, and presented it to Karen Johnston. Ms. Johnston discussed the fundraiser and encouraged citizens next year to come help out, and asked City Council Members to challenge the County Board of Supervisors to compete against each other, as well as the School Board Members. Ms. Johnston thanked Council for the recognition.

NEW BUSINESS

AUTHORIZING THE CITY OF DANVILLE TO FORGIVE A LOAN TO THE INDUSTRIAL DEVELOPMENT AUTHORITY

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

RESOLUTION NO. 2019-04.02

APPROVING AND AUTHORIZING THE CITY OF DANVILLE, VIRGINIA TO FORGIVE A LOAN PREVIOUSLY GRANTED TO THE INDUSTRIAL DEVELOPMENT AUTHORITY OF DANVILLE, VIRGINIA.

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

Mayor Jones asked the City Manager to provide background information on this item and Mr. Larking explained in March 2004, the IDA and Telvista entered into an agreement that called on the IDA to procure financing through American National Bank and the Virginia Small Business Financing Authority to pay for construction of a building to be used by Telvista for a call center operation at Airside Industrial Park. The agreement called for Telvista to cover the cost of both loans and any taxes and insurance on the property through a lease. American National Bank and the IDA agreed to an almost \$7M loan with an interest rate of about 5%; the loan with the VSBFA was to be about \$1.6M at 4%. Unfortunately, at the last moment, the loan from the VSBFA fell through. The City was in the midst of trying to recruit Telvista, had a commitment from them to come, and an agreement to build that building for them so they could provide jobs to the City. The City stepped in, took the place of the VSBFA and provided the money to the IDA; the IDA provided it to Telvista in order to up-fit the building. It was paid back through a twenty-five year loan with a 4% interest rate, which were the terms the VSBFA loan would have had. Over the period of some fifteen years, about \$1,430,472.69 was paid to the City by Telvista through their lease to the IDA. The total lease amount for the building was \$48,000 per month and that included the cost to retire the debt with American

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National Bank. A few years ago, Telvista was approached by a company to use their services, and they asked the IDA to refinance the building so they could use proceeds from that refinancing to up-fit the building to serve the needs of Verizon. About a year ago, they lost that client and Telvista was not able to make a business case for being in Danville. The City had to act quickly to try to find a new tenant for that building. A contact was made through one of the Council Members with a company that was looking to locate 500 jobs in the City; the PRA group decided to move into the Telvista building. Economic Development worked with the IDA and negotiated a settlement agreement with Telvista for about \$384,000 in settlement funds plus the use of equipment, computers, furniture and other things that were retained in the building; the value of that was about \$400,000. Mr. Larking noted the Agenda was revised with a report Mr. Larking wrote, that details the history of this loan and why it was made. PRA is planning on purchasing the building later this month, it will cover the cost of the loan to American National Bank; unfortunately, it does not cover the total loan the City made through the IDA to Telvista. The PRA Group is committing to 500 new jobs with an average salary of \$38,000 per year, which is much higher than the average salary for 300 jobs that Telvista provided. They are planning to do new capital investment of about \$15M. The City and the IDA will not own this building, it will be owned by PRA Group. In order for this to happen, the loan from the City to the IDA, originally to Telvista needs to be forgiven.

Mayor Jones recognized Cherie Tamson who commented on the five year lease and twenty five year loan noting it was a risk, and stated taxpayers were not happy with this deal.

Mr. Whittle noted on the PRA deal he does have some problems with the \$800,000; to his understanding they are supposed to close by the end of the month and the jobs are necessary for this community.

Mayor Jones recognized Greg Anderson who noted his agreement with what was said, it is very difficult. One of his concerns, in the Resolution it says the funds were used to purchase equipment and furnishings, done over a twenty five year amortization. There is no equipment that has a useful life of twenty five years. He hopes going forward, the City will hold the IDA and whoever is structuring deals, to make sure they are structured to what is being acquired.

Council Member Campbell noted he appreciated Mr. Anderson and other citizens appearing before Council expressing their opinion on this issue. When Council empowers the Economic Development team to pursue industry to Danville, there is always an understanding that industry leaders have 14,000 more places they can choose to go. Mr. Campbell commended Mr. Tucker and his staff because they have to put a package together to entice prospects to Danville.

Council Member Whittle noted he appreciates Ms. Tamson and Mr. Anderson coming to Council to speak and stated he does not support any tax increases.

Mayor Jones recognized Robert Boerrigter who noted he was a recipient, with his company Axxor, of one of the IDA loans. In 2012, they moved into a property in Cane Creek Industrial Park. He has spoken to companies locating in Danville that one of the things that made it so attractive for them to come was that cooperation between the IDA, Economic Development, the County and the City. Mr. Boerrigter stated he appreciates the people that volunteer their time and if people think they can do better, let them step in and do the same thing.

Mr. Larking introduced the Director of Economic Development Telly Tucker who noted he appreciates all the concerns and comments that have been made and would like to answer a few questions. The \$48,000 payment that was being made monthly by Telvista was simply a

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pass-through to the City to go to American National Bank which holds the mortgage for the building. A portion of that came back to the City to cover the \$1.6M loan. There will not be an ongoing source of \$48,000 coming to the City and there hasn't been since Telvista left. He was not here in 2004 and probably very few of the IDA members were, to know what discussions happened and why they made a decision to invest. Often, companies are not willing to purchase a building, they are simply looking for a lease arrangement. The IDA, City Staff and City Council are faced with decisions of, do they enter into a deal that the company is willing to lease a building and add 300 jobs at a time when Danville had the second highest unemployment rate in the State, above 10%, or do they say no thank you and allow the company to leave. It was easy to question the decisions that were made. Without that property being built, the City would not have the opportunity to have PRA in the City today. Council Member Shanks asked Mr. Tucker to explain why Telvista would be hard to collect from with regard to their creditors and Mr. Tucker explained they are headquartered in Mexico. They had no operations other than Danville and Texas at the time. In order for the City to pursue them legally, they would have to hire legal counsel and follow the legal stipulations in the country of Mexico. That would have been more costly than for the City to settle with what they are offering. The other alternative was the company could have filed bankruptcy in which the City would have received nothing. Council Member Miller noted most of Council were not here when the deal was made. People need to remember that Telvista was here for fifteen years and had three hundred employees; that was a lot of money that came back into the economy. There is value in having a company in Danville even if they are leasing the building. The new company will own the building, with five hundred jobs and \$38,000 salaries, that is \$19M a year that will be put back into the community.

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

COMMUNICATIONS

City Manager Ken Larking noted the Executive Assistant for the City Manager's office, Vicky Farmer is recovering from a successful surgery and everyone's thoughts and prayers are with her; she is doing well. Mr. Larking also noted he attended the DPS Honor Graduate ceremony with 115 graduates honored; his son was one of the recipients.

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

ROLL CALL

Council Member Miller noted his prayers were with Mr. Shanks and his family on the loss of his mother. Dr. Miller recognized John Crane who won an award for Public Safety writing. The Racin' and Tastin' is this Friday and encouraged citizens to get their tickets, and Averett won the Governor's Award for volunteerism. Dr. Miller stated the City now has an App where citizens can look up what is going on in Danville.

Council Member Saunders noted Happy 111th Birthday to his neighbor, Ms. Thornton, there was a great party today and great recognition. Mr. Saunders wished everyone a Happy Easter.

Council Member Shanks thanked everyone for their condolences and prayers to him and his family. His mother was a proud teacher in the Danville Public Schools for thirty nine years;

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she taught at GLH Johnson and at E.A. Gibson. She loved teaching and children, will be sorely missed, and left behind her husband of seventy two years.

Vice Mayor Vogler noted they were very sorry to hear about Mr. Shanks' mother and thoughts have been with him. The City is very excited about the PRA Group bringing 500 jobs and buying that building; they will be a great company for the City. It was Delegate Glen Davis from Virginia Beach, a friend of his, who called Mr. Vogler about a year ago about a company looking to expand in Virginia and wondered if Danville would be a good fit. Mr. Vogler wished everyone a Happy Easter.

Council Member Whittle noted his condolences to Mr. Shanks, thanked everyone from Danville Public Schools who showed up and appreciated everything they do.

Council Member Buckner thanked the School Board and parents for attending tonight, recognized Boy Scout Troop 356 and the Telecommunicators attending, who received their Proclamation. Mr. Buckner noted he would like to reopen discussion on reclassifying all the 911 call center employees into public safety employees. Mr. Buckner noted the Main Line Trolley is back with a new route this year, and stated the rugby tournament was a big success. Mr. Buckner noted his thoughts and prayers are with Ms. Farmer and wished her a speedy recovery, and condolences to Mr. Shanks.

Council Member Campbell noted the passing of Reverend Toomer who gave many years of service to the community, and wished everyone a Happy Easter.

Mayor Jones noted everyone who approached the podium tonight, spoke about how to make Danville Shine, including the Chair of the School Board and the attendance of all the teachers and support staff. Danville is a great community and people need to hear that. Danville is moving forward, there are great things happening in Danville, including the Honor Graduates, the Job Fair, the Rugby Tournament, and the Bridge 2 Bridge. Mayor Jones noted his condolences to Mr. Shanks and thanked the citizens for all their support.

The meeting adjourned at 8:35 p.m.

APPROVED:

MAYOR

ATTEST:

CITY CLERK

Council Letter

City of Danville, Virginia



CL-2112

Old Business Item #: A.

City Council Regular Meeting

Meeting Date: 05/21/2019

Subject: Danville Public Schools Budget

From: Cynthia Thomasson, Budget Director

COUNCIL ACTION

First Reading: 05/07/2019

Final Adoption: 05/21/2019

SUMMARY

The Public Hearing for the Fiscal Year 2020 Preliminary School Board Budget is scheduled for May 7, 2019. The City's Budget for Support of Schools includes \$22,662,500 for Support of Operations and \$2,246,680 for Debt Service, for a grand total of \$24,909,180. In addition, the Capital and Special Projects Plan includes \$3,364,102 for capital improvements to various school facilities to be funded by General Obligation Bonds.

RECOMMENDATION

It is recommended the City Council approve the attached Resolution for the FY 2020 Danville Public Schools Budget.

Attachments

Resolution

PRESENTED: _____

ADOPTED: _____

RESOLUTION NO. 2019- ____ - ____

A RESOLUTION APPROVING THE BUDGET OF THE SCHOOL BOARD OF THE CITY OF DANVILLE FOR THE FISCAL YEAR ENDING JUNE 30, 2020.

WHEREAS, the School Board of the City of Danville presented to the Council its estimate of the amount of money needed for the support of the public schools of the City during Fiscal Year 2020, which estimate reflected total proposed expenditures in the amount of \$66,689,196; and

WHEREAS, the City shall contribute \$22,662,500 for School Operations and \$2,246,680 for School Debt Service for a total appropriation of \$24,909,180; and

WHEREAS, the City Council does not intend by this resolution to guarantee to the School Board of the City of Danville any contribution for support of schools in future fiscal years above that amount required by Virginia law for support of schools; and

WHEREAS, a brief synopsis of the proposed Budget of the School Board for Fiscal Year 2020 was duly published, and, after public notice duly given, a public hearing with respect thereto has been conducted by the Council, after due public notice thereof, and upon consideration of which it is now necessary and desirable to approve the same as prescribed by law.

NOW THEREFORE, BE IT RESOLVED by the Council of the City of Danville, Virginia that, pursuant to Section 22.1-93 of the Code of Virginia, 1950, as amended, the attached budget of the School Board of the City of Danville for the Fiscal Year ending June 30, 2020 be, and the same is hereby, approved for educational purposes subject the above recited conditions.

APPROVED:

MAYOR

ATTEST:

CLERK

Approved as to
Form and Legal Sufficiency:

City Attorney

Council Letter

City of Danville, Virginia



CL-2098

New Business Item #: A.

City Council Regular Meeting

Meeting Date: 05/21/2019

Subject: Renewal of Community Garden License on North Main Street.

From: Kenneth C. Gillie, Jr., Community Development Director

COUNCIL ACTION

Business Meeting: 05/21/2019

SUMMARY

On May 2, 2017, Danville City Council approved a Special Use Permit and License for Right Touch Christian Church to operate a Community Garden on North Main Street, Parcel Numbers 02043 and 02044; the license expires on May 10, 2019. Staff recommends that City Council authorize the City Manager to renew the license.

BACKGROUND

On May 2, 2017, as part of the Lots of Potential program, Danville City Council approved a Special Use Permit for urban agriculture on Parcels 02043 and 02044, vacant lots owned by the City, as well as authority for the City Manager to grant a one-year license to Right Touch Christian Church to operate a Community Garden on those Parcels. Over the past year, Right Touch has operated and maintained a community garden on those parcels, which is a more productive use of the land than if they sat vacant.

RECOMMENDATION

It is recommended that City Council adopt the attached Resolution authorizing the City Manager to renew the Community Garden License at Parcel ID #s 02403 and 02404 for another year.

Attachments

[Resolution](#)

[Renewal Document](#)

PRESENTED: _____

ADOPTED: _____

RESOLUTION NO. 2019-____.____

A RESOLUTION AUTHORIZING THE CITY MANAGER TO RENEW THE EXISTING LICENSE FOR COMMUNITY GARDENING ON NORTH MAIN STREET.

WHEREAS, the City owns certain vacant parcels of real property commonly known as Parcel Numbers 02043 and 02044; and

WHEREAS, the City has an interest in promoting the health of its residents and the productive use of property within its boundaries; and

WHEREAS, the City, through Resolution Numbers 2017-05.04 and 2017-05.05, granted Right Touch Christian Church, a Virginia Corporation, a special use permit for urban agriculture upon Parcel Numbers 02043 and 02044 conditioned upon continuous use of the property for that purpose as well as a one year license to operate a community garden upon the property which was renewed by City Council for an additional year in 2018; and

WHEREAS the current license with Right Touch Christian Church shall expire on May 10, 2019.

NOW THEREFORE, BE IT RESOLVED by the Council of the City of Danville, Virginia, pursuant to Sections 15.2-1800 and 15.2-1813 of the Code of Virginia 1950, as amended, and in consideration of the public hearing this day held by Council, that the City Manager, Kenneth F. Larking, be, and he is hereby, authorized and directed to renew the Community Garden License with Right Touch Christian Church, for North Main Street, Parcel Numbers 02043 and 02044 for a period of three (3) years; and

BE IT FINALLY RESOLVED that the City Manager, Kenneth F. Larking, be, and he is hereby authorized to execute on behalf of the City any and all documents as may be necessary to effect such license renewal with Right Touch Christian Church.

APPROVED:

MAYOR

ATTEST:

CITY CLERK

Approved as to
Form and Legal Sufficiency:

City Attorney

COMMUNITY GARDEN LICENSE

THIS COMMUNITY GARDEN LICENSE (the “License”), made on this the 10th day of May, 2019 (the “Effective Date,”) by and between the **CITY OF DANVILLE, VIRGINIA, a municipal corporation of the Commonwealth of Virginia** (the “City”), and **RIGHT TOUCH CHRISTIAN CHURCH, a Virginia corporation** (the “Licensee”), hereafter collectively known as “the Parties.”

:: R E C I T A L S ::

WHEREAS, the City owns certain real property located within the City of Danville, vacant lots on N. Main Street commonly known as Parcel ID # 02043 and # 02044 (the “Property”);

WHEREAS, the Licensee wishes to operate a community garden upon the Property, for use by the general public;

WHEREAS, the City wishes to grant to the Licensee a limited, non-exclusive license to operate a community garden upon the Property, pursuant to the terms and conditions set forth in this License.

NOW, THEREFORE, for and in consideration of the mutual promises and undertakings hereinafter set forth, the City hereby grants a limited license to use and occupy the Property, subject to the limitations, terms, and conditions set forth herein:

1. **Description of the licensed property.** The portion of the Property licensed to the Licensee (hereafter the “Premises”) is that portion of the Property identified in the sketch attached to this license as “Schedule A.” All activities permitted by this License shall take place solely within the Premises. The Premises is offered to the Licensee “as-is,” and the City makes no warranty or guarantee of any kind as to the suitability or fitness of the Premises for the production of crops, or for any other purpose.

2. **Use of premises.** The License granted by the City to the Licensee is a limited, non-exclusive, non-transferable license to maintain a community garden upon the Premises. This License shall permit the Licensee to invite members of the general public to enter onto the Premises and plant crops, and shall permit the Licensee to place and maintain any personal property and temporary improvements necessary to facilitate the plantation of crops by the general public, subject to the further requirements of this License.

3. **Rules and Procedures.** In conducting any activity pursuant to this License, the Licensee shall observe and comply with all terms of the “Lots of Potential Community Gardening Program: Rules and Procedures” (the “Rules”), a copy of which attached hereto as “Schedule B” and is incorporated into this License by reference as if fully laid out herein. The City reserves the right to amend or modify the Rules from time to time in its sole discretion, and any amended Rules shall become incorporated into this License, as if fully laid out herein, upon delivery of notice of such amendment or modification to the Licensee. If there is any contradiction or

discrepancy between the terms of this License and the Rules, as they may be amended, the terms of this License shall be given precedence in resolving such contradiction or discrepancy.

4. **Expiration; renewal.** The term of this License shall automatically expire three (3) years from the Effective Date above referenced, unless this License is earlier terminated pursuant to the terms and conditions outlined herein. At any time prior to the expiration of this License, this License may be renewed for a subsequent term upon the mutual written consent of the Parties; provided, however, that the Licensee acknowledges that Licensee has neither a property interest in, nor a reasonable expectation of, any such renewal.

5. **Assignment and sublicense.** The Licensee may not assign or sublicense this License without the advance written consent of the City. Any purported assignment or sublicense not authorized by the City shall be without force or effect, and shall cause the automatic termination of this License without notice to the Licensee. For the purpose of this License, any member of the general public invited to participate in the community gardening activities described herein is considered an invitee and not an assignee or sublicensee.

6. **Termination.** The City may, in its sole discretion, terminate this License by delivering notice to the Licensee, and by posting such notice at the Property, at any time during the term of this License and for any reason whatsoever, including, without limitation:

- a. The Licensee's violation of any provision of this License, or with the Rules, as they may be amended or modified;
- b. The Licensee's abandonment of the Property, as may solely be determined by the City;
- c. Any change in ownership of the Property to a person or entity which is not an agency of the City or controlled by the City;
- d. Any emergency which affects the health, safety, or welfare of the general public; and
- e. Any act by the Licensee which results in the attachment or filing of a lien against the Property.

7. **Procedure for expiration and termination.** If this License expires, or is terminated for any reason, the Licensee shall, not more than thirty (30) days after such termination becomes effective, cause any crops on the Property to be harvested, and cause to be removed any improvements, personal property, refuse, or debris generated by its activities or the activities of any of its invitees. Any property remaining upon the Property thereafter shall be deemed abandoned and shall become property of the City. The City may charge the Licensee for the City's actual costs in demolishing or removing any improvements, personal property, refuse, or debris remaining upon the Property more than thirty (30) days after the termination of this License. The City may collect such costs from the Licensee in any manner permitted by law.

8. **Liability issues.** The Licensee shall hold harmless the City and the Commonwealth of Virginia, and their respective agents, employees, and officers, and shall indemnify and defend the same, from any and all liability related to any claim for any loss, injury, damage, death, or any other harm to the Licensee, its agents, employees, officers, and invitees, or any other third party, or to the property of any person, arising from any occurrence directly or indirectly related to, connected with, or incidental to the activities contemplated by this License, unless such

damage, loss, injury, death, or other harm was intentionally caused by the City, or the Commonwealth of Virginia, or their respective officers, agents, or employees.

9. **Liability for invitees.** In relation to any claim which may be raised by the City arising from any activity contemplated by this License, the Licensee agrees to assume all liability for the acts of any invitee onto the Property.

10. **Insurance.** The Licensee shall acquire a policy of comprehensive general liability insurance with a minimum liability limit of of FIVE HUNDRED THOUSAND and 00/100 DOLLARS (\$500,000.000), applicable to all liabilities undertaken by the Licensee pursuant to this License. The Licensee shall maintain such policy during the term of this License and any subsequent renewal of this License, and shall name the City and the Commonwealth of Virginia as additional insured parties under any such policy. The Licensee shall furnish proof of such insurance at the time this License is executed, and at any other time upon the City's request.

11. **Utilities.** The Licensee shall pay all utility charges that may be assessed as a result of any activity which occurs on the Premises as a result of this License, and shall place any such utilities in its own name.

12. **Right of entry.** The Licensee shall allow the City, its agents, employees, and officers, access onto the Property at any time for the purpose of determining the Licensee's compliance with this License and the Rules.

13. **Land disturbing activities.** The Licensee shall not engage in any activity (including, without limitation, the erection, installation, placement, or affixation of any improvement or personal property) which penetrates the land surface of the Property to a depth of greater than six (6) inches.

14. **Improvements.** Any improvements erected, installed, placed, or affixed upon the Property by Licensee shall be temporary in nature. The Licensee shall seek the approval of the City prior to erecting, installing, placing, or affixing such improvement. The Licensee shall obtain all permits, licenses, inspections, and approvals required by the Building Code Official and the Planning Director of the City of Danville, Virginia, and any other official or agency as may be required by law, for the erection, installation, placement, affixation, or demolition and removal of such improvements.

15. **Severability.** If any provision of this License shall be held invalid or unenforceable by a court, the invalidity or unenforceability of such provision shall not affect any other provision of this License, and this License shall be construed as if such invalid or unenforceable clause was not contained herein. Should the enforceability of any provision of this License be called into question, such provision shall be construed as the mutual agreement of the parties to the fullest extent permitted by law.

16. **Third-party beneficiaries.** Nothing in this License is intended, nor shall it be deemed, to confer any right or remedy upon any person not a party to this License.

17. **Non-waiver.** No waiver of any provision of this License by any party shall be deemed a continuing or further waiver of the same provision, or a waiver of any other provision.

18. **Headings.** The descriptive headings of this License are inserted for convenience only and do not constitute a part of this License.

19. **Counterparts.** This License may be executed in one (1) or more counterparts, each of which shall be deemed an original but all of which together shall constitute one and the same License.

20. **Construction.** The parties agree that this License shall be construed according to the laws of the Commonwealth of Virginia, and that venue for any court proceeding instituted by a party to this License shall be in the General District or Circuit Court of the City of Danville, Virginia, unless otherwise required by law.

21. **Notices.** Any notice required to be sent by this License shall be deemed effective upon depositing such notice for delivery by certified mail at the addresses listed below:

CITY: Kenneth C. Gillie, *or*
Current Director of Community Development
P.O. Box 3300
Danville, VA 24543

LICENSEE: Rev. Tommy Crews
Right Touch Christian Church
513 Worsham Street
Danville, VA 24540

IN EXECUTION HEREOF, witness the following signatures and seals, this the day first above written:

THE CITY OF DANVILLE, VIRGINIA

BY:

KEN F. LARKING
City Manager

RIGHT TOUCH CHRISTIAN CHURCH, INC.

BY:

TOMMY CREWS
Pastor, Right Touch Christian Church, Inc.

Council Letter

City of Danville, Virginia



CL-2106

New Business Item #: B.

City Council Regular Meeting

Meeting Date: 05/21/2019

Subject: Witness Program Appropriation

From: Cynthia Thomasson, Budget Director

COUNCIL ACTION

First Reading: 05/21/2019

Final Adoption: 06/04/2019

SUMMARY

The City has received notice from the Commonwealth of Virginia Department of Criminal Justice Services, of the approval of Federal and State funding in the amount of \$177,083 for the continuation of the City's Victim Witness Assistance Program, which is operated through the Commonwealth Attorney's Office

BACKGROUND

The Victim Witness Program provides assistance to victims of criminal offenses (e.g., rape, felonious assault, child sexual and physical abuse, homicide, domestic violence) occurring in Danville. The program provides direct services such as short-term and follow-up counseling, referral services to meet specific needs (i.e., mental health, social services, legal, medical), and filing claims for crime victims' compensation. The program also provides court escorts and explanations of criminal court procedures, intervenes with employers, collection agencies and landlords when victims' injuries result in loss of income, and monitors court-ordered restitution payments.

The goal of the Victim Witness Program is to alleviate, to whatever degree possible, the confusion, pain, and suffering of innocent victims of violent crime occurring in Danville. This is an annual grant and does not require any local matching funds. For proper accounting purposes, it is necessary to appropriate these funds.

RECOMMENDATION

It is recommended that City Council approve the attached Ordinance Amending the FY 2019 Budget Appropriation Ordinance to appropriate funds for the Victim Witness Program in the amount of \$177,083.

Attachments

[Ordinance](#)

PRESENTED: _____

ADOPTED: _____

ORDINANCE NO. 2019- ____ - ____

AN ORDINANCE AMENDING THE FISCAL YEAR 2019 BUDGET APPROPRIATION ORDINANCE TO PROVIDE FOR A GRANT FROM THE STATE FOR A VICTIM WITNESS PROGRAM IN THE AMOUNT OF \$177,083 AND APPROPRIATING SAME.

NOW THEREFORE, BE IT ORDAINED by the Council of the City of Danville, Virginia, that the Fiscal Year 2019 Budget Appropriation Ordinance be, and it is hereby, amended by increasing revenues to provide for a grant from the Commonwealth of Virginia, Department of Criminal Justice Services, in an amount of \$177,083 for the purpose of operating a victim witness program within the City of Danville, and appropriating same within the Special Grants Fund, such revenue and appropriation to be a follows:

ANTICIPATED REVENUES

<u>Description</u>	<u>Account No.</u>	<u>Amount</u>
Victim Witness Grant		
Categorical Aid -DCJS	60301000-47060	\$ 44,271
Federal Aid	60301000-48055	<u>132,812</u>
	Total	<u>\$ 177,083</u>

ANTICIPATED EXPENDITURES

<u>Description</u>	<u>Account No.</u>	<u>Amount</u>
Victim Witness Program		
Salaries & Wages	60301000-51100	\$ 140,646
Other Taxable Comp	60301000-51155	3,480
FICA	60301000-51450	9,563
Retirement VRS-State Share	60301000-51500	14,188
Print Shop-Office Supplies	60301000-52655	1,575
Postage	60301000-54050	800
Telephone	60301000-54100	1,192
Materials & Supplies	60301000-55930	925
Membership/Dues	60301000-56242	560
Travel/Training	60301000-54900	3,854
Equipment	60301000-57500	<u>300</u>
TOTAL		<u>\$ 177,083</u>

AND BE IT FURTHER ORDAINED that all other accounts and provisions of the Fiscal Year 2019 Budget Appropriation Ordinance, as amended, not hereby amended, shall continue in force and effect unless and until hereafter further amended or repealed.

APPROVED:

MAYOR

ATTEST:

CLERK

Approved as to
Form and Legal Sufficiency:

City Attorney

Council Letter

City of Danville, Virginia



CL-2107

New Business Item #: C.

City Council Regular Meeting

Meeting Date: 05/21/2019

Subject: Virginia Domestic Violence Victim Grant Appropriation

From: Cynthia Thomasson, Budget Director

COUNCIL ACTION

First Reading: 05/21/2019

Final Adoption: 06/04/2019

SUMMARY

The Commonwealth Attorney's Office has received notice from the Commonwealth of Virginia, Department of Criminal Justice Services, of the award of grant funds to be used to fund the salary of an attorney or victim's advocate to work in the Juvenile & Domestic Relations Court dealing with victims of domestic violence. The grant is in the amount of \$44,635 and does not require any local matching funds.

RECOMMENDATION

It is recommended that the City Council approve the attached Ordinance Amending the FY 2019 Budget Appropriation Ordinance to appropriate funds from the Commonwealth of Virginia for a Domestic Violence Victim Program Grant in the amount of \$44,635.

Attachments

Ordinance

PRESENTED: _____

ADOPTED: _____

ORDINANCE NO. 2019- ____- ____

AN ORDINANCE AMENDING THE FISCAL YEAR 2019 BUDGET APPROPRIATION ORDINANCE TO PROVIDE FOR A GRANT FROM THE STATE FOR A DOMESTIC VIOLENCE VICTIM PROGRAM GRANT IN THE AMOUNT OF \$44,635 AND APPROPRIATING SAME.

NOW THEREFORE, BE IT ORDAINED by the Council of the City of Danville, Virginia that the Fiscal Year 2019 Budget Appropriation Ordinance be, and it is hereby, amended by increasing revenues to provide for a grant from the Commonwealth of Virginia, Department of Criminal Justice Services, in an amount of \$44,635 and appropriating same within the Special Grants Fund, such revenue and appropriation to be a follows:

ANTICIPATED REVENUES

<u>Description</u>	<u>Account No.</u>	<u>Amount</u>
Categorical Aid – State: Domestic Violence Victim Fund	61146000-47060	<u>\$44,635</u>

ANTICIPATED EXPENDITURES

<u>Description</u>	<u>Account No.</u>	<u>Amount</u>
Domestic Violence Victim Program 7		
Salaries & Wages	61146000-51100	\$34,200
Other Taxable Compensation	61146000-51155	1,300
FICA	61146000-51450	2,616
Retirement-VRS-Empl Share	61146000-51500	4,006
Travel/Training	61146000-54900	1,788
Print Shop-Office Expenses	61146000-52655	725
TOTAL		<u>\$44,635</u>

AND BE IT FURTHER ORDAINED that all other accounts and provisions of the Fiscal Year 2019 Budget Appropriation Ordinance, as amended, not hereby

amended, shall continue in force and effect unless and until hereafter further amended or repealed.

APPROVED:

MAYOR

ATTEST:

CLERK

Approved as to
Form and Legal Sufficiency:

City Attorney

Council Letter

City of Danville, Virginia



CL-2117

New Business Item #: D.

City Council Regular Meeting

Meeting Date: 05/21/2019

Subject: Real Estate Tax Increase

From: Cynthia Thomasson, Budget Director

COUNCIL ACTION

First Reading: 05/21/2019 - Public Hearing

Final Adoption: 06/04/2019

SUMMARY

The Fiscal Year 2020 City Council Introductory Budget includes a Real Estate Tax increase from \$0.80 of assessed value to \$0.84 per \$100 of assessed value. This represents a \$0.04 increase in the tax rate over the current rate.

RECOMMENDATION

It is recommended that City Council approve the attached Ordinance amending the City Code for the Real Estate Tax rate.

Attachments

Ordinance

PRESENTED: _____

ADOPTED: _____

ORDINANCE NO. 2019-_____._____

AN ORDINANCE AMENDING AND REORDAINING SECTIONS 37-27, 37-28 AND 37-29 OF THE DANVILLE CITY CODE THEREBY INCREASING THE REAL ESTATE TAX FROM EIGHTY (80) CENTS ON EVERY ONE HUNDRED DOLLARS TO EIGHTY-FOUR (84) CENTS ON EVERY ONE HUNDRED DOLLARS OF ASSESSED VALUE EFFECTIVE JULY 1, 2019.

NOW THEREFORE, BE IT ORDAINED by the Council of the City of Danville, Virginia, that for the purpose of imposing on all taxable real estate, land, and lots with improvements thereon, not exempt from taxation by law, an annual tax of **Eighty Cents (\$0.80)** **Eighty-four (\$0.84)** on every One Hundred Dollars (\$100) of assessed value thereon, Section 37-27, entitled "Tax on real estate and improvements thereon generally," Section 37-28, entitled "Tax on real estate of railroads and utility companies," and Section 37-29, entitled "Tax on vehicles without motive power (manufactured homes)", of Article II, entitled "Levy and Rate of Tax on Real Estate, Tangible Personal Property, Etc.," of Chapter 37, entitled "Taxation," of the Code of the City of Danville, Virginia, 1986, as amended, be and the same are hereby, amended and reordained to read as follows:

Sec. 37-27. Tax on real estate and improvements thereon generally.

Pursuant to Section 58.1-3000 of the Code of Virginia on all taxable real estate, land and lots, with the improvements thereon, not exempt from taxation by law, there shall be an annual tax of **Eighty cents (\$0.80)** **Eighty-four (\$0.84)** on every One Hundred Dollars (\$100) of the assessed value thereof.

Sec. 37-28. Tax on real estate of railroads and utility companies.

Pursuant to Chapter 26 of Title 58.1 (Sections 58.1-2600 et seq.) of the Code of Virginia, there shall be levied an annual tax of **Eighty cents (\$0.80)** **Eighty-four (\$0.84)**

on every One Hundred Dollars (\$100) of the real estate of all railroad, telegraph, telephone, power, heat, and light companies.

Sec. 37-29. Tax on vehicles without motive power (manufactured homes).

Pursuant to Section 58.1-3506 of the Code of Virginia, on all vehicles without motive power, as mentioned in such Section, there shall be a tax of ~~Eighty cents (\$0.80)~~ **Eighty-four (\$0.84)** on every One Hundred Dollars (\$100) of the assessed value thereof.

AND BE IT ORDAINED that all other provisions and Sections of said Article, Chapter and Code be, and the same are hereby, continued in full force and effect unless and until the same are hereafter amended or repealed; and

BE IT FURTHER ORDAINED that this Ordinance shall be and become effective on and as of July 1, 2019.

APPROVED:

MAYOR

ATTEST:

CLERK

Approved as to
Form and Legal Sufficiency:

City Attorney

Council Letter

City of Danville, Virginia



CL-2116

New Business Item #: E.

City Council Regular Meeting

Meeting Date: 05/21/2019

Subject: Tax Rate Increases

From: Cynthia Thomasson, Budget Director

COUNCIL ACTION

First Reading: 05/21/2019

Final Adoption: 06/04/2019

SUMMARY

The Fiscal Year 2020 City Council Introductory Budget, as reviewed in prior work sessions, contains recommendations for increases in three tax areas:

An increase in Hotel/Motel Occupancy tax from 7% to 8%. This increase is estimated to provide an additional \$155,000 in FY2020.

A Transient Lodgers Room Occupancy Fee of \$2.00 per night.

An increase in Tangible Personal Property Tax from \$3.50 per \$100 of assessed value to \$3.60 per \$100 of assessed value. This increase is estimated to provide an additional \$150,000 in FY 2020.

The Hotel/Motel tax increase and Transient Lodgers Room Occupancy Fee will be effective July 1, 2019.

The Tangible Personal Property Tax will be effective January 1, 2020.

RECOMMENDATION

It is recommended that City Council approve the attached Ordinances increasing and imposing taxes and fees.

Attachments

[Ordinance](#)

[Ordinance](#)

PRESENTED: _____

ADOPTED: _____

ORDINANCE NO. 2019-_____._____

AN ORDINANCE AMENDING AND REORDAINING SECTION 37-97 OF THE DANVILLE CITY CODE TO INCREASE THE TAX ON TRANSIENT LODGERS FROM SEVEN (7) PERCENT TO EIGHT (8) PERCENT AND TO IMPLEMENT A \$2.00 PER DAY ROOM OCCUPANCY TAX EFFECTIVE JULY 1, 2019.

NOW THEREFORE, BE IT ORDAINED, by the Council of the City of Danville, Virginia, that Section 37-97, entitled "Levied; amount", of the Article VI, entitled "Tax on Transient Lodgers", of Chapter 37, entitled "Taxation", of the Code of the City of Danville, Virginia, 1986, as amended, be, and the same is hereby, amended and reordained to read as follows:

Sec. 37-97. Levied; amount.

(A) There is hereby levied and imposed upon each transient, in addition to any and all other taxes and fees of every kind imposed by law, a tax equivalent to eight(8) percent of the total amount paid by or for such transient for the rental of any room in any hotel.

(B) There is hereby levied and imposed upon each transient, in addition to any and all other taxes and fees of every kind imposed by law, a tax equivalent to eight(8) percent of the total amount paid by or for such transient for the rental of any short term rental agreement at any short term rental home.

(C) There is hereby levied and imposed upon each transient, in addition to any and all other taxes and fees of every kind imposed by law, a transient occupancy tax of two dollars (\$2.00) per night of lodging for each room at any hotel.

(D) There is hereby levied and imposed upon each transient, in addition to any and all other taxes and fees of every kind imposed by law, a transient occupancy tax

of two dollars (\$2.00) per night of lodging for each short term rental agreement at any short term rental home.

AND BE IT FURTHER ORDAINED that all other provisions and Sections of said Article, Chapter and Code be, and the same are hereby, continued in full force and effect unless and until the same are hereafter amended or repealed; and

BE IT FINALLY ORDAINED that this Ordinance shall be and become effective on and as of July 1, 2019.

APPROVED:

MAYOR

ATTEST:

CLERK

Approved as to
Form and Legal Sufficiency:

City Attorney

PRESENTED: _____

ADOPTED: _____

ORDINANCE NO. 2019-_____._____

AN ORDINANCE AMENDING AND REORDANING SECTION 37-30 OF THE DANVILLE CITY CODE TO INCREASE THE PERSONAL PROPERTY TAX FROM \$3.50 PER \$100 ASSESSED VALUE TO \$3.60 PER \$100 ASSESSED VALUE EFFECTIVE JANUARY 1, 2020.

NOW THEREFORE, BE IT ORDAINED by the Council of the City of Danville, Virginia, that Section 37-30, entitled "Tax on tangible personal property generally", of the Article II, entitled "Levy and Rate of Tax on Real Estate, Tangible Personal Property, etc.", of Chapter 37, entitled "Taxation", of the Code of the City of Danville, Virginia, 1986, as amended, be, and the same is hereby, amended and reordained to read as follows:

Sec. 37-30. Tax on tangible personal property generally.

Pursuant to sections 58.1-3000 and 58.1-3008 of the Code of Virginia, on all tangible personal property there shall be a tax of ~~three dollars and fifty cents, (\$3.50)~~ **three dollars and sixty cent (\$3.60)** on every one hundred dollars (\$100.00) of the assessed value thereon except for all aircraft which shall be taxed as a separate class of property pursuant to section 58.1-3506 of the Code of Virginia and as more specifically set forth in section 37-36 of this Code; provided, however, that the following household goods, personal effects and agricultural property are eliminated from such tax pursuant to sections 58.1-3504 and 58.1-3505 of the Code of Virginia:

- (1) Bicycles.
- (2) Household and kitchen furniture, including gold and silver plates, plated ware, watches and clocks, sewing machines, refrigerators, automatic refrigerating machinery of any type, vacuum cleaners and all other household machinery, books, firearms and weapons of all kinds.

- (3) Pianos, organs, phonographs and record players and records to be used therewith and all other musical instruments of whatever kind, radio and television instruments and equipment.
- (4) Oil paintings, pictures, statuary, curios, articles of virtu and works of art.
- (5) Diamonds, cameos or other precious stones and all precious metal used as ornaments or jewelry.
- (6) Sporting and photographic equipment.
- (7) Clothing and objects of apparel.
- (8) All other tangible personal property used by an individual or a family or household incident to maintaining an abode.
- (9) Horses, mules and other kindred animals.
- (10) Cattle.
- (11) Sheep and goats.
- (12) Hogs.
- (13) Poultry.
- (14) Grains and other feeds used for the nurture of farm animals.
- (15) Grain; tobacco; wine produced by farm wineries as defined in [section 4-2\(10a\)](#) of the Code of Virginia; and other agricultural products in the hand of a producer.
- (16) Farm machinery and farm implements, which shall include equipment and machinery used by farm wineries, as defined in [section 4-2\(10a\)](#) of the Code of Virginia, in the production of wine.
- (17) Equipment used by farmers or farm cooperatives qualifying under section 521 of the Internal Revenue Code to manufactured industrial ethanol, provided that the materials from which the ethanol is derived consist primarily of farm products.

AND BE IT FURTHER ORDAINED that all other provisions and Sections of said Article, Chapter and Code be, and the same are hereby, continued in full force and effect unless and until the same are hereafter amended or repealed; and

BE IT FUTHER ORDAINED that this Ordinance shall be and become effective on and as of January 1, 2020.

APPROVED:

MAYOR

ATTEST:

CLERK

Approved as to
Form and Legal Sufficiency:

City Attorney