



DANVILLE CITY COUNCIL WORK SESSION AGENDA

MUNICIPAL BUILDING

April 2, 2019

7:30 P.M.

MEETING CALLED TO ORDER

MINUTES

- A. Consideration of Approval of Minutes from Regular Work Session held on March 5, 2019.
Council Letter Number CL - 2090.

WORK SESSION ITEMS

- A. Review of Proposed Revision to Danville Transit's Bus Advertising Policy.
Council Letter Number CL - 2089.
- B. Discussion of the FY 2020 Proposed Budget.
Council Letter Number CL - 2095

PROGRAM UPDATE

ECONOMIC DEVELOPMENT UPDATE

COMMUNICATIONS FROM

- A. City Manager
- B. Deputy City Manager
- C. City Attorney

D. City Clerk

E. Roll Call

CLOSED MEETING

As Permitted by Subsection (A)(3) of Section 2.2-3711 of the Code of Virginia, 1950, as amended for discussion or consideration of the acquisition of real property or of the disposition of publicly held real property; and

As Permitted by Subsection (A)(5) of Section 2.2-3711 of the Code of Virginia, 1950, as amended for discussion concerning a prospective business or industry related to economic development.

- A. Motion to Convene in Closed Meeting
- B. Motion to Reconvene in Open Meeting
- C. Motion to Certify Closed Meeting

ADJOURNMENT

Council Letter

City of Danville, Virginia



CL-2090

Meeting Minutes Item #: A.

Work Session Meeting

Meeting Date: 04/02/2019

Subject: Consideration of Approval of Meeting Minutes

From: Susan M. DeMasi, City Clerk

COUNCIL ACTION

Work Session Meeting: 04/02/2019

SUMMARY

Consideration of Approval of Minutes from Regular Work Session held on March 5, 2019.

Council Letter Number CL - 2090.

Attachments

Meeting Minutes

March 5, 2019

A Regular Work Session of the Danville City Council convened on March 5, 2019 at 7:38 p.m. in the Conference Room located on the Fourth Floor of the Municipal Building. Council Members present were: James B. Buckner, L. G. "Larry" Campbell Jr., Mayor Alonzo L. Jones, Dr. Gary P. Miller, Sherman M. Saunders, Fred O. Shanks, III, Adam J. Tomer, Vice Mayor J. Lee Vogler, Jr., and Madison J.R. Whittle (9).

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

Mayor Jones presided.

MINUTES

Upon **Motion** by Council Member Buckner and **second** by Council Member Shanks, Minutes from the Special Joint Work Session held on January 23, 2019, were approved as presented. Draft copies were distributed to Council Members prior to the Meeting.

CLOSED MEETING

At 7:39 p.m., Vice Mayor Vogler **moved** that this meeting of the City Council of Danville, Virginia be recessed and that Council immediately reconvene in a Closed Meeting for the following purposes: discussion or consideration of the acquisition and/or disposition of real property for a public purpose where discussion in an open meeting would adversely impact the bargaining position of the City as permitted by Subsection (A)(3) of Section 2.2-3711 of the Code of Virginia, 1950, as amended, more specifically to consider both the acquisition of a specific parcel or parcels of real property as well as the disposition of a specific parcel or parcels of real property; and to consider an Economic Development discussion and update concerning prospective business or industry where no previous announcement has been made and/or the expansion of an existing business or industry where no previous announcement has been made as permitted by Subsection (A)(5) of Section 2.2-3711 of the Code of Virginia, 1950 as amended, and more specifically to consider the location of a prospective new business or industry to the area and expansion of an existing business or industry.

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

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

Upon unanimous vote at 9:24 p.m., Council reconvened in open session and Vice Mayor Vogler **moved** for adoption of the following Resolution:

CERTIFICATE OF CLOSED MEETING

WHEREAS, the Council convened in Closed Meeting on this date pursuant to an affirmative recorded vote and in accordance with the provisions of the Freedom of Information Act; and

WHEREAS, Section 2.1-344.1 of the Code of Virginia, 1950, as amended, requires a Certification by the Council that such Closed Meeting was conducted in conformity with Virginia Law;

March 5, 2019

NOW, THEREFORE, BE IT RESOLVED that the Council hereby certifies that, to the best of each Member's knowledge, (i) only public business matters lawfully exempted from open meeting requirements of Virginia Law under Section 2.2-3711 were heard, discussed or considered, and (ii) only such public business matters as were identified in the Motion by which the Closed Meeting was convened were heard, discussed or considered by the Committee.

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

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

After discussion, Council agreed to have a special work session on the Land Bank item and remove it from this evening's agenda.

CONSIDERATION OF THE CITY OF DANVILLE ENTERING INTO A REVISED PURCHASE POWER AGREEMENT WITH TURNING POINT ENERGY

Director of Utilities Jason Grey explained Council had approved moving forward with the ten megawatt project in Whitmell in October. The Company is going through the state DEQ process and the DEQ has requested that they split the project into two, five megawatt projects to help simplify the permit process. The City has to go back and have two separate LLCs, and two separate interconnection agreements for two separate, five megawatt solar farms. Mr. Grey noted if the Company gets through the permitting process with DEQ, the project would start later this fall.

Council agreed to put this on an upcoming business agenda.

REVIEW OF REGULATIONS ON BED AND BREAKFAST ESTABLISHMENTS

Mr. Larking asked the City's Commissioner of Revenue, James Gillie, to speak about agreements with Airbnb. Mr. Gillie stated he knows of no city in Virginia, as of today, that has signed an agreement with Airbnb; some of the towns and counties have. He reached out to Montgomery County and spoke with their finance people. The issue they had was they didn't have anybody specifically assigned to monitor them, so they signed the agreement with Airbnb strictly because something was better than nothing. Mr. Gillie noted he does not have a colleague in the State, that he knows of, that is going to sign an agreement like that; Airbnb collects the money and then gives it back to the locality at their discretion, with no way to audit when the money comes back to the City. Vice Mayor Vogler noted Blacksburg has done it, has Mr. Gillie reached out to them; their website states Airbnb collected \$27,000 for Blacksburg after their agreement. Mr. Gillie noted in the City's situation, the City does have the staff to do it, they have someone who does it for hotel/motels. Dr. Miller questioned why doesn't the City do it and Mr. Larking noted they do. Mr. Gillie stated the City has the ability to audit; with Airbnb, the City would not have that authority. Mr. Larking noted his understanding was that an agreement with Airbnb would have to be with the Commissioner of Revenue; it not up to City Council.

Director of Community Development Ken Gillie noted Senior Planner Bryce Johnson has done most of the research on this matter. Mr. Johnson stated there has been some discussion about short term rentals, and the City has had a few special use permit applications approved last year. Staff looked into short term rentals, the research is all over the place but staff recommends the City stay with the special use permit process for short term rentals. Mr. Vogler questioned how

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that compares to other localities and Mr. Johnson stated every locality is different, it is still new enough that there is no consensus across the board. Some have moved to make it more streamlined and by right; some that have done that are moving back to the special use permit process. Mr. Vogler questioned if the City is still making applicants go through the process of being a commercial bed and breakfast and Mr. Johnson noted they are; if they are doing the short term rental out of their home, they go through the process. Mr. Buckner questioned if you have a commercial bed and breakfast, you have to have it staffed 24 hours a day and Mr. Johnson noted there has to be someone living there.

Mr. Vogler stated localities do homestay ordinances, they are different from a commercial bed and breakfast process, why wouldn't the City just do that. Why is the City classifying someone who wants to rent out a room in their home as someone who is running a full fledged bed and breakfast. Mr. Johnson stated they could be classified differently, but staff does suggest keeping the current process; it would make to sense to define them differently for clarification. Mr. Vogler stated his thought was to try to make this process more streamlined and easier. He does not see anything in staff's research, not in option 1, but maybe option 2, to benefit them at all or how this addresses any of the concerns brought up by Mr. Doss. Mr. Tomer noted with both options they would have to live there, which he didn't think was going to be a part of it.

Mr. Larking asked Council for direction for staff, does Council want the ability for people to have short term rentals through these websites in any neighborhood without any process or do they want to have some process. Mr. Shanks noted he recently went through this process and a compromise came out of it; he thinks it is imperative they have a special use permit or something similar to that, where they have to go through a public hearing with the Planning Commission, get a recommendation and a public hearing with City Council.

The Commissioner of Revenue reminded Council that whatever they do, these people are a business, they need to get a business license, collect their hotel/motel tax, and remit it back to him. If there isn't an ordinance, it will be difficult for him to enforce any of those things. He would also like to see a registration; things in place like that can help his office monitor and collect the money due. Mayor Jones noted the City Manager is asking for some direction on exactly how Council wants it developed, exactly what does Council want. Mr. Tomer noted he sent the City Manager what Blacksburg is doing; there is a homestay application, with two different kinds of homestay, but the person does have to live there as well.

Director of Community Development, Ken Gillie noted they have a definition for bed and breakfast which doesn't fit; they recommend a homestay definition which will define what it is, to not have to provide breakfast and everything else. Mr. Gillie stated it still comes down to, do they need a special use permit or not. Staff's recommendation is yes, because of the situation Council Member Shanks just had. It got the neighbors involved, they knew what was happening with the property, what would be done with parking, especially if this happens up on West Main and Virginia, places like that where parking is premium. It also allows staff a chance to address life safety issues such as smoke detectors and means of egress on doors. Staff wants to make sure if there is a problem in the house, people are safe, that is why staff recommended going through the special use permit process. If Council wants staff to change it and not have them go through the special use process, staff still thinks the registration process is necessary, just to protect the interests of the people. There should be some sort of notification given to neighbors if it is a by-right, so the neighbors know what is going on; now it is a business, the house is no longer just a single family home.

Mr. Tomer noted he wants to protect the value of the homeowners in the area since it is a business, but hopes the City can separate it and have a legal definition of homestay. If there is a special use

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permit, it is pertinent on them meeting, for example, the things in the Blacksburg outline. Mr. Buckner noted it is something Council needs to address, and look at what Blacksburg and Christiansburg and all those other areas are doing. The City does need to be able to collect taxes on it. The Commissioner of Revenue, Mr. Gillie noted in a lot of ordinances he has seen, they limit how many times it can be rented a week, and how many people are there. If that is what Council is talking about, he thinks that is a good way to go.

Mr. Larking noted based on the conversation, the majority of Council wants to streamline the process in some way, but that some minimal registration would be acceptable to make sure they meet some minimum requirements. Council wants a legal definition for short term rental separate from bed and breakfast, and a separate process different from bed and breakfast so there is a clear line of differentiation between the two types of uses. Staff would forward that to the Planning Commission for their discussion; they would come back with a recommendation in conjunction with staff, to Council later.

Mr. Vogler noted he agrees with Mr. Buckner, he would like to revisit that the person has to live in the house, there are plenty of places where that is not the case. Dr. Miller noted he believed it needed to be streamlined as much as possible, he would agree with registering, but it shouldn't be too burdensome on the homeowners. Mr. Shanks noted his agreement with Mr. Tomer, that Blacksburg has good guidelines to use, having the public hearing process for a special use permit, City Council should be a part of the process, and the new code section that is not a bed and breakfast.

COMMUNICATION

Dr. Miller noted he was in Abington, they have a nice downtown and about every block or two they have signs up listing all the events for the season; could the City Manager to look into this to see if it was feasible for Danville.

Vice Mayor Vogler noted the point was raised that the City has a great number of trash receptacles through the River District, but mention has been made that the area around Averett and West Main have long stretches without receptacles for people to put trash in.

Mayor Jones noted they did not invite every Council Member to the Holiday Basketball Tournament meeting because it would require a public notice, but the next meeting is April 8, 2019, 5:30 p.m. in the second floor conference room, invited Council Members, and asked staff to have a public notice done. Mayor Jones noted they are trying to keep the costs as minimal as possible, the cost in the past was for visiting teams who asked for a stipend to come to the City. Other than that, the biggest cost was Averett; Vice Mayor Vogler noted they are looking at having it at GW.

MEETING ADJOURNED AT 10:01 P.M.

MAYOR

CITY CLERK

Council Letter

City of Danville, Virginia



CL-2089

Work Session Item #: A.

Work Session Meeting

Meeting Date: 04/02/2019

Subject: Proposed Revision to Danville Transit's Bus Advertising Policy.

From: Marc Adelman, Director of Transportation Services

COUNCIL ACTION

Work Session Meeting: 04/02/2019

SUMMARY

In an effort to promote Danville Transit services, the Transportation Advisory Committee approved revising the existing bus advertising policy to allow four buses to include advertisements for transit operations. This advertisement arrangement was not previously permitted, and approval was also received from Danville's bus advertising company to support this policy change. Information concerning this approved amendment is shared with City Council per Section 6.9 of the City Code of Ordinances, which identifies that the duties of the Transportation Advisory Committee shall include recommendations 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.

BACKGROUND

The Danville Transit System has received very favorable comments concerning the Black History bus wrap that was installed in February. Due to the positive input received from the public about the bus wrap, City staff developed an advertisement to promote the Mainline Trolley service that could be placed on a different vehicle. However, use of buses to promote transit services was not permitted relative to the transit system's advertising policy. As a result, the Transportation Advisory Committee approved a recommendation to revise the advertising policy to allow for the use of four buses that could include transit service advertisements. An attachment shows a draft of the planned bus wrap to publicize the Mainline Trolley service. This advertising concept may also be used to promote the regional bus service that would be provided to Halifax and Pittsylvania Counties, subject to the approval of a state Demonstration grant.

RECOMMENDATION

Input is sought from Danville City Council regarding the Transportation Advisory Committee's decision to revise the bus advertising policy to allow for transit service advertisements.

Attachments

[Bus Advertising Policy](#)

[Mainline Trolley Bus Wrap](#)

DANVILLE TRANSIT ADVERTISING POLICY

The Danville Transit System will make available limited types of advertising on the exterior and interior of all public transportation buses in its fleet. However, advertising will not be permitted on the exterior or interior of bus shelters or facilities that are used by passengers. By allowing limited types of advertising on or within its buses Danville Transit does not intend to create a public forum for public discourse or expressive activity, or to provide a forum for all types of advertisements.

2.1 Certain Excluded Advertising

Danville Transit will not accept for display on its buses the types of advertising defined in Section 2.3. By not accepting excluded advertising, Danville Transit can:

- a) Maintain a professional advertising environment that maximizes advertising revenues and minimizes interference or disruption of the commercial aspects of the transit system
- b) Maintain an image of neutrality on political matters and other noncommercial issues that are subject of public debate and concern;
- c) Protect passengers, employees and Danville Transit assets from harm or damage than can result from some individual's reactions to political or controversial materials; and
- d) Help build and retain transit ridership

2.2 Limits on Permitted Advertising

Placing reasonable limits on permitted advertising on its buses will enable Danville Transit to:

- a) Avoid subjecting its passengers and other members of the public to material that may discourage them from using transit services;
- b) Maintain an image of professionalism and respectability;
- c) Avoid displaying material that is not suitable for viewing by minors who ride on transit buses or those individuals whose neighborhoods are served by transit bus routes; and
- d) Maximize revenues by attracting and maintaining the patronage of passengers

2.3 Excluded Advertising

For the purposes of these policies and standards, the advertising described in this section, "Excluded Advertising" Danville Transit will not accept the following Excluded Advertising for display, posting or placement on or within its buses:

- a) **Alcoholic Beverages.** Advertisements and images soliciting or promoting the sale or use of alcoholic beverages.
- b) **Tobacco Products.** Advertisements and images soliciting or promoting the sale or use of tobacco products including, but not limited to cigarettes, cigars and smokeless tobacco.

- c) ~~**Advertisements about Danville Transit.**~~ ~~Advertisements and images that relate to Danville Transit services, except public service advertisements provided by Danville Transit.~~
- d) **Religious Advertising.** Advertising in which the primary message is one promoting or opposing religion, particular religions, religious issues or religious doctrines.
- e) **Political and Social Issue Advertising.** Advertising in which the primary message is one promoting or opposing a particular view on political or social issues.

2.4 Permitted Advertising

Danville Transit will accept “permitted Advertising for display or placement on designated buses. Permitted Advertising is advertising that:

- a) Does not qualify as Excluded Advertising under Section 2.3
- b) Generally relates to the economic interests of the advertiser and its audience.
- c) Advertisements that relate to Danville Transit services will be limited to four buses, except public service advertisements provided by Danville Transit.

2.5 Prohibitions on Literature or Product Distribution and Leafleting

Danville Transit’s purpose in operating a transit system is to meet the public’s need for efficient, effective and safe public transportation. Danville Transit buses are not intended to be public forums for public discourse or expressive activity. Literature or product distributions, leafleting and similar activities can disrupt or delay passengers who are boarding and exiting buses and other transit vehicles, distract passengers, distract bus drivers and otherwise create safety issues for passengers, drivers and surrounding traffic. Accordingly, distribution of literature, leafleting and other informational or activities are prohibited within Danville Transit buses or facilities except for the provision of leaflets and information provided by Danville Transit that are related to the provision of public transportation.

2.6 Advertising Standards and Restrictions

Danville Transit will make available on designated Danville Transit buses space for advertisements subject to certain restrictions that are identified in this section.

Advertisements cannot be displayed or maintained on Danville Transit buses if the advertisement or information contained in the advertisement falls within one or more of the following categories:

- a) **False Misleading, Deceptive or Disrespectful Advertising.** Advertising or any material or information in the advertising that is false, misleading or deceptive, or that is intended to be (or reasonably could be interpreted as being) disparaging, disreputable or disrespectful to persons, groups, businesses or organizations, including advertising that portrays individuals as inferior, evil, or contemptible because of their race , color, creed, sex, pregnancy, age, religion, ancestry, national origin, marital status, disability, including those related to pregnancy or child birth, gender identity, or gender

expression or sexual orientation, or any other characteristic protected under federal, state or local law.

- b) **Unauthorized Endorsement.** Advertising that implies or declares that Danville Transit or the City of Danville endorses a product, service, point-of-view, event or program. The prohibition against endorsement does not apply to advertising for a service, event or program for which Danville Transit or the City of Danville is an official sponsor, co-sponsor or participant, provided Danville Transit's director or other designated representative gives prior written approval regarding the endorsement.
- c) **Obscene or Offensive Material.** Advertising that contains obscene materials as defined in the Code of Virginia §18.2-372 "Obscene" defined, or that displays sexual conduct or information in a manner that would be offensive to a reasonably prudent person of average sensitivity in the community.
- d) **Unlawful Goods or Services.** Advertising or any material or information in the advertising that depicts, promotes, or reasonably appears to encourage the use or possession of unlawful or illegal goods or services.
- e) **Unlawful Conduct.** Advertising or any material or information in the advertising that: depicts, promotes, or reasonably appears to encourage unlawful or illegal behavior or conduct, including unlawful behavior of a violent or antisocial nature; is libelous or an infringement of copyright; is otherwise unlawful or illegal; or is likely to subject Danville Transit to liability.
- f) **Adult Entertainment.** Advertising that promotes or displays images associated with adult book stores, adult video stores, nude dance clubs and other adult entertainment establishments, adult telephone services, adult internet sites and escort services.
- g) **Graffiti.** Advertising that uses images or symbols that depict or represent graffiti
- h) **Firearms and Weapons.** Advertising that contains images or depictions of any firearms or other weapons.
- i) **Internet Addresses and Telephone Numbers.** Advertising that directs viewers to internet addresses or telephone numbers that contain materials, images or information that would violate these advertising standards if the materials, images or information were contained in advertising displayed or posted on Danville Transit buses.
- j) **Distractions and Interference.** Advertising that incorporates or displays any rotating, revolving, or flashing devices or other moving parts or any word, phrase, symbol or character, any of which are likely to interfere with, mislead or

distract traffic or conflict with any traffic control device or motor vehicle regulation.

2.7 Other Permitted Advertising and Public Service Announcements.

Danville Transit may make advertising space available for advertising proposed by governmental entities, academic institutions or tax-exempt nonprofit organizations (examples include: ads focusing on personal health or wellness issues, or ads informing the public about programs, services, or events). Non-profit entities must document their tax-exempt status. On a limited basis, Danville Transit may make unpaid advertising available for public service announcements in coordination with the vendor. Costs associated with the design, production installation and removal of public service announcements are the responsibility of the group or organization requesting the public service announcement. The advertising and public service announcements permitted under this section cannot contain displays or messages that qualify as Excluded Advertising under Section 2.3 and must comply with these advertising policies and standards. Unless the source of the advertising or public service announcement is obvious from the content or copy, the advertisement or public service announcement, whether paid or un-paid, must specifically identify the sponsor of the advertisement or the message and, if paid shall bear conspicuously a paid advertising disclaimer.

2.8 Space Availability.

Danville Transit limits the amount of space on its transit buses available for advertising and does not represent that it can accommodate all requests for advertising space. Advertising space will be made available only on Danville Transit buses that are designated by Danville Transit. No advertising, signs and other types of postings or messages may be displayed, posted or placed on any other Danville Transit Facilities.

2.9 Reservation of Rights

Danville Transit reserves the right to amend these policies and standards at any time. Subject to any contractual obligations, Danville Transit reserves the right to discontinue advertising on Danville Transit buses and discontinue accepting advertising for display or posting on Danville Transit buses. Danville Transit reserves the right to limit the availability of advertising space on its buses and remove advertising that does not comply with these advertising policies and standards and, subject to any contractual obligations. The City Manager of Danville, Virginia maintains the ultimate authority and reserves the rights to determine whether any advertising is considered objectionable and whether the advertising should be removed by the City of Danville or the vendor from Danville Transit buses. Advertising that is considered objectionable by the City Manager shall be removed within 48 hours.

The vendor shall make available for inspection by the City of Danville, Virginia, at the City of Danville's request, all financial records concerning its operations, expenses, and income under this Agreement. For the purpose of such audits, inspections, examinations and evaluations, the City of Danville's agent or authorized representative

shall have access to said records from the effective date of this agreement, for the duration of the term of this agreement plus all extensions and two (2) years thereafter. The City of Danville's agent or its authorized representative shall have reasonable access to Vendor's facilities, shall have reasonable access to all necessary records in order to conduct audits in compliance with this agreement.

3.0 Appeal of Advertising Decisions.

- a) **Initial Reviews.** Danville Transit's Manager will make initial decisions about accepting or rejecting advertising that will be placed on transit buses. The decisions will be based on these policies and standards. Danville Transit's Manager will work with the vendor and advertisers to resolve issues about advertisements that do not comply with these policies and procedures. Resolution may include modification of the art, copy, or both.
- b) **Appeals to Transit Director.** An advertiser may appeal a decision to reject or remove an advertisement by filing a written request with the Transit Manager within ten (10) business days after the rejection or removal decision. The advertiser's request must state why the advertiser disagrees with the decision in light of Danville Transit's advertising policies and standards. The Transit Manager may consult with the City's legal counsel. The Transit Manager will review the basis for the rejected or removed advertisement and will consider the advertiser's reasons for filing the request. The Transit Manager will make a decision on the request and will notify the vendor and advertiser of its decision in writing within fifteen business days after receiving the advertiser's request whether the advertising can be modified and reapplied to a bus or buses. The expense associated with reapplying any advertising will be incurred by the vendor.
- c) **Further Review by City Manager.** The City Manager may review the Transit Manager's decisions.



Council Letter

City of Danville, Virginia



CL-2095

Work Session Item #: B.

Work Session Meeting

Meeting Date: 04/02/2019

Subject: Discussion of the Fiscal Year 2020 Proposed Budget

From: Ken F. Larking, City Manager

COUNCIL ACTION

Work Session: 04/02/2019

SUMMARY

Continued discussion of the FY 2020 Proposed Budget.

Attachments

No file(s) attached.
