

December 18, 2018

The Second Regular December meeting of the Danville City Council was held on December 18, 2018, at 7:00 p.m. in the Council Chambers located on the Fourth Floor of the Municipal Building. The following Council Members were present: James B. Buckner, L.G. "Larry" Campbell Jr., Mayor Alonzo L. Jones, Dr. Gary P. Miller, Sherman M. Saunders, Fred O. Shanks, III, Vice Mayor J. Lee Vogler, Jr., Adam J. Tomer and Madison J.R. Whittle (9).

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

Mayor Jones presided.

INVOCATION AND PLEDGE OF ALLEGIANCE

The Invocation was given by Council Member Gary P. Miller; the Pledge of Allegiance to the Flag followed.

Mayor Jones noted an Item would need to be added to the Agenda as New Business Item E, Declaring a Local Emergency. Council Member Campbell **moved** to add New Business Item E to the Agenda, the Motion was **seconded** by Council Member Shanks and the Motion was carried unanimously.

ANNOUNCEMENTS AND SPECIAL RECOGNITIONS

Mayor Jones read a Certificate of Recognition entitled: *Honoring the Former Mayors of the City of Danville for their Service and Continued Support*. Following the reading of the Certificate, Mayor Jones presented each Mayor with a copy of the Certificate and a Gift from the City. Past Mayors recognized included Mayors Linwood Wright, Seward Anderson, Sam Kushner, John Gilstrap, John Hamlin, and Sherman Saunders. Mayor Wayne Williams was not able to attend. Council Members thanked the former Mayors for being here tonight, for all they have done for the City, and their years of dedication, support and wisdom.

COMMUNICATIONS FROM VISITORS

Mayor Jones recognized Louis Garnett, Jr., 1325 North Main Street, who noted he had appeared before Council on June 5th on two issues, one was his gas and electric which has been resolved. The other was driving his personal vehicle which was insured and inspected, and stated he did not have a license which he did not need. Mr. Garnett noted he wanted to resolve his issue without suing the City or a Judge.

CONSENT AGENDA

Mayor Jones opened the floor for a Public Hearing regarding the Consent Agenda Budget Items. Notice of the Public Hearing was published in the *Danville Register & Bee* on December 11, 2018. No one present desired to be heard and the Public Hearing was closed.

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

Minutes from the Regular Council Meeting held on November 20, 2018 and Minutes from the Special Work Session held on November 8, 2018; draft copies had been distributed prior to the meeting.

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Amending the Fiscal Year 2019 Budget Appropriation Ordinance for Funds from HUD, and Estimated Program Income in the Amount of \$1,286,284.00

Ordinance No. 2018-12.04, Presented by its First Reading on December 4, 2018, Amending the Fiscal Year 2019 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 \$1,286,284.00.

Amending the Fiscal Year 2019 Budget Appropriation Ordinance for Funds from the Litter Control and Recycling Grant in the Amount of \$9,497

Ordinance No. 2018-12.05, Presented by its First Reading on December 4, 2018, Amending the Fiscal Year 2019 Budget Appropriation Ordinance to Anticipate Grant Funds from the Commonwealth of Virginia for Litter Control and Recycling Efforts in the Amount of \$9,597 and Appropriating Same.

Amending the Fiscal Year 2019 Budget Appropriation Ordinance for the 2018 Edward Byrne Memorial Justice Assistance Grant Program in the Amount of \$33,274

Ordinance No. 2018-12.06, Presented by its First Reading on December 4, 2018, Amending the Fiscal Year 2019 Budget Appropriation Ordinance by Increasing Revenue for the 2018 Edward Byrne Memorial Justice Assistance Grant (JAG) Program Award in the Amount of \$33,274 to be Used to Implement a Community Bicycle Patrol Project.

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

APPOINTMENTS

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

Resolution No. 2018-12.02 - A Resolution Reappointing Samuel S. Thomas as a Member of the Building Code Board of Appeals.

Resolution No. 2018-12.03 - A Resolution Reappointing Jarrett White as a Member of the Building Code Board of Appeals.

Resolution No. 2018-12.04 - A Resolution Appointing Lawrence Meder as a Member of the Building Code Board of Appeals.

Resolution No. 2018-12.05 - A Resolution Reappointing Lenard Lackey as a Member of the Employee Retirement System Board of Trustees.

Resolution No. 2018-12.06 - A Resolution Reappointing Krystal Farmer as a Member of the Fair Housing Board.

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Resolution No. 2018-12.07- A Resolution Appointing Matthew Bailey as a Member of the Fair Housing Board.

Resolution No. 2018-12.08 - A Resolution Reappointing Harold Garrison as a Member of the Planning Commission.

Resolution No. 2018-12.09 - A Resolution Appointing Sherman M. Saunders as a Member of the Staunton River Regional Industrial Facility Authority.

Resolution No. 2018-12.10 – A Resolution Appointing Fred O. Shanks, III, as a Member of the Staunton River Regional Industrial Facility Authority.

Resolution No. 2018-12.11 - A Resolution Appointing J. Lee Vogler, Jr., as an Alternate Member of the Staunton River Regional Industrial Facility Authority.

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

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

NEW BUSINESS

REVIEW OF GENERAL FUND FINANCIALS AS OF NOVEMBER 30, 2018

Director of Finance Michael Adkins gave the report on the General Fund Financial results through the end of November noting it was the fifth month and 42% of the fiscal year. The Revenues from the General Fund are comparing very favorably to the prior year, at or above where they are expected to be at this point in the fiscal year. As of November 30th, the City has received \$38.8M of their revenues, that is \$2M more than last year. There are three major components of this increase from last year, property taxes, local taxes and the investment earnings. The City had a Personal Property Tax rate increase that went into effect January 1, 2018; this is the first fall billing the City has had related to that and is pushing the property taxes over where they were last year. Under Local taxes, Sales, Meals and Lodging continue to exceed expectations. There was an increase in the Meals Tax rate from 6% to 6.5% that went into effect in July of this year; that is partially the reason for the increase in the local taxes. Under the City's Investment Earnings, the Treasury interest rates have been increased a few times over the last several months, this is favorable for the City since as the City's bond investments mature, the City reinvests those in higher rates as well the City's CDs. The City is seeing an increase in its investment earnings over last year as well. The collection of Delinquent Real Estate taxes is exceeding its budget expectations. At this point in the year, the City has collected over \$600,000, that is about \$236,000 more than last November. They had a public auction last month of abandoned properties and that was quite successful. Mr. Adkins reviewed the tables included in the packet noting a big portion of the local tax budget is business licenses; some entities pay those to the city quarterly, but for the most part, they are billed once a year in March, with a big influx of revenue in March. Looking at the three major components of local taxes, sales, meals and lodging, in each of those three cases the City it at or exceeding budget as well as being higher than last year in all three categories. With Meals Tax, that would be partially because of the rate increase, but with Sales and Lodging, there was no difference in the rate this year as compared to last year so that is

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growth in those areas. Under Expenditures, the City has spent \$49M in Departmental Spending, that is a little less than 42% which is where the City expects to be right now; the City is on track and slightly above last year. The main component of that would be the cost of the retirement enhancement for Public Safety. Mr. Adkins reviewed the Fund Balance for the General Fund, the biggest portion is the Unassigned Fund Balance, money that is available for emergencies or whatever Council deems it should be used for. A lot of the City's State funding is a reimbursed on a reimbursement basis; there are Social Service programs and Constitutional Offices that are supported by state revenues. The City has to spend the money first, report it to the State and then get reimbursed; that reimbursement is always lagging behind the spending. Mr. Adkins noted the City is more than halfway through the month of December and have collected the first billing of real estate and personal property tax. The City would expect to collect about 50% of these taxes at this point. With Real Estate, the City has collected just over half of the budget for the year and is where it is expected to be, and surpassing the 50% mark slightly; collections this year were a little better than last year. Personal Property is not quite at 50% of budget, part of the Personal Property tax is paid for by the State, however, the City does not get equal installments from the State. More than half of that money comes later in the fiscal year and pushes the City's collection rate down at this point. The City does expect to be around the 43-45% mark at this time and are actually at the 46% mark at this point. Council had no questions for Mr. Adkins.

APPROVAL OF SUBMISSION OF THE CITY'S COMPREHENSIVE ECONOMIC DEVELOPMENT STRATEGY PROJECTS LIST

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

RESOLUTION NO. 2018-12.12

APPROVING THE SUBMISSION OF THE COMPREHENSIVE ECONOMIC DEVELOPMENT STRATEGY PRIORITY PROJECTS FOR MAINTAINING DANVILLE'S STATUS AS A REDEVELOPMENT AREA UNDER THE ECONOMIC DEVELOPMENT ADMINISTRATION'S PROGRAM.

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

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

DECLARATION OF THE OPIOID CRISIS IN THE CITY OF DANVILLE A PUBLIC NUISANCE

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

RESOLUTION NO. 2018-12.13

RESOLUTION OF THE COUNCIL OF THE CITY OF DANVILLE, VIRGINIA DECLARING THE OPIOID CRISIS IN THE CITY OF DANVILLE A PUBLIC NUISANCE WHICH MUST BE ABATED FOR THE BENEFIT OF DANVILLE AND ITS RESIDENTS AND CITIZENS PURSUANT TO VIRGINIA CODE SECTIONS 15.2-900 AND 48-5.

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

Council Member Miller noted this was a public safety hazard, 42,000 people died last year in this country of opioid overdoses, more than auto accidents and breast cancer. This is something that needs to be addressed; it is occurring in this community.

Vice Mayor Vogler thanked Dr. Miller for bringing this to Council's attention, there are a number of localities throughout the nation that are dealing with this and taking similar courses of action; it is a very serious issue across the nation and in the City's backyard. In 2016, drug overdoses claimed the lives of nearly 64,000 Americans, nearly 2/3 of those deaths involved prescription or illicit opioids. The CDC estimates the total economic burden of prescription opioid misuse in the US is \$78.5B a year; it impacts the workforce, schools and the communities in a devastating way.

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

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

**APPROVING AN ENGAGEMENT TO REPRESENT AGREEMENT TO AUTHORIZE
EMPLOYMENT OF OUTSIDE COUNCIL**

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

RESOLUTION NO. 2018-12.14

AUTHORIZING THE EMPLOYMENT OF JAMES C. PETERSON, ESQUIRE, OF THE LAW FIRM HILL, PETERSON, CARPER, BEE & DEITZLER, PLLC, TO FILE SUIT AGAINST THOSE LEGALLY RESPONSIBLE FOR THE WRONGFUL DISTRIBUTION OF PRESCRIPTION OPIATES AND DAMAGES CAUSED THEREBY.

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

Council Member Shanks noted when this first came up, Council looked at using a firm that was heavily present at the Virginia Municipal League, and was proud that Council looked further into opportunities for local firms to be part of the team that represents the City. Although Council has no idea how this lawsuit will end up, Mr. Shanks stated it was in Council's best interest to make sure the City was represented locally and was proud that Council made that decision. City Attorney Clarke Whitfield explained three of the attorneys that will be working directly were at Council this evening, George Daniel and Jake Daniel of Daniel, Thomas and Mark Williams of Williams, Morrison, Light & Moreau.

Council Member Miller noted his agreement that it was important to have local representation. This was not costing the City anything up front, they will be paid on a contingency basis; Council Member Campbell noted his agreement with Dr. Miller. City Attorney Clarke Whitfield explained the retainer agreement he has been authorized to sign, stated that no public funds will be used in order settle any expenses or any other fees to the attorneys.

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

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

RESOLUTION DECLARING A LOCAL EMERGENCY AS A RESULT OF WINTER STORM DIEGO

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

RESOLUTION NO. 2018-12.15

DECLARING A LOCAL EMERGENCY DUE TO SNOW, SLEET AND ICEY CONDITIONS AS A RESULT OF WINTER STORM DIEGO WITHIN THE CITY OF DANVILLE, VIRGINIA BEGINNING DECEMBER 9, AND ENDING DECEMBER 11, 2018.

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

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

COMMUNICATIONS

Deputy City Manager Earl Reynolds wished a Merry Christmas and Happy New Year to members of City Council, thanked them for all they do, and for their support of administration and staff. Mr. Reynolds asked everyone to keep the City Manager and his wife in their thoughts and prayers. City Attorney Clarke Whitfield wished everyone a Merry Christmas and noted that the first meeting of January will be on Thursday, January 3, 2019.

ROLL CALL

Council Member Tomer wished everyone a Merry Christmas, Happy New Year and a special time with their families and loved ones, and noted to the City Manager, he was in their thoughts and prayers.

Vice Mayor Vogler thanked everyone here tonight and watching on TV. Yesterday, Essel Propak announced a \$31M expansion in the City, adding forty-five jobs with an average salary of \$46,000; it was a tremendous announcement for the City. Thursday morning, the Governor will be in Danville to make an announcement and encouraged everyone to attend. Mr. Vogler wished everyone a Merry Christmas and Happy New Year.

Council Member Whittle noted he was grateful for the Essel Propak expansion, it was great news for the ending of the year, and wished everyone a Merry Christmas.

Council Member Buckner thanked all the former Mayors that were here tonight, it was a great event, and wished everyone a Merry Christmas and Happy New Year. Mr. Buckner noted he was looking forward to the big announcement on Thursday.

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Council Member Campbell thanked all the Public Works employees in the City of Danville who did an outstanding job during the snowstorm. Reverend Campbell wished everyone a Merry Christmas and Happy New Year; it was a wonderful event with the former Mayors.

Council Member Miller noted Council's prayers are with the City Manager. The Community Light Show is one of the top twenty events in the south in the winter and encouraged citizens to go out and see it. The Wendell Scott event last week was a great event and was looking forward to the time they can celebrate a Wendell Scott Museum. Dr. Miller wished everyone a Merry Christmas and Happy Holidays.

Council Member Saunders thanked Council for recognizing the former Mayors, and for the gift given to each Mayor. Mr. Moody, Director of Social Services, did an excellent job on his update and the good progress the City has made in that department. Mr. Saunders wished everyone a Merry Christmas.

Council Member Shanks thanked all the City employees for their dedication dealing with the last snowstorm; employees and their families were affected for several days and he was appreciative of those people that sacrificed their time to serve the City. Mr. Shanks noted there were six shopping days until Christmas and encouraged people to support local businesses in the region. Mr. Shanks wished a Merry Christmas to fellow Council Members and citizens and noted that Ascension Lutheran Church has the Chrismon Tree up and encouraged everyone to visit.

Mayor Jones thanked the media and congratulated Bruce Hedrick for his Showcase Magazine award. Mayor Jones noted many Council members will be at the Community Market on Christmas Day, will serve people at the Community Christmas Dinner, and encouraged citizens to come down and help out. Mayor Jones noted his prayers to the City Manager and wife and encouraged citizens to smile and be kind to one another.

The meeting adjourned at 8:08 p.m.

APPROVED:

s/ Alonzo L. Jones
MAYOR

ATTEST:

s/ Susan M. DeMasi, CMC
CITY CLERK