December 15, 2020

The Second Regular December meeting of the Danville City Council was held on December 15, 2020, 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., Bryant Hood, Mayor Alonzo L. Jones, Barry P. Mayo, Vice Mayor Gary P. Miller, Sherman M. Saunders, and J. Lee Vogler, Jr., (8). Madison J.R. Whittle was absent. (1).

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.

INVOCATION

The Invocation was given by Sherman M. Saunders and followed by the Pledge of Allegiance.

City Manager Ken Larking noted he and the Mayor spoke last week after the check presentation in chambers by Caesars to representatives of Council and other groups. They felt it was appropriate that City Council get the recognition it deserves for the all the work they put in to get the City to the point where they received the $15,000,000 wire from Caesars, and to have selected the high quality casino resort operator the City can be proud of. He wanted to thank City Council for the continued effort to be a model for the State of Virginia in the way they handled the issue from the beginning through the future. Members of Council felt it was important that the community had a voice in how the City used the funds to better the community as a whole. He looked forward to discussing with City Council, with the public's input, the use of the casino funds; he knows they can do great things together to transform the community. On behalf of City staff who worked closely with Council to get the City to this point, thanking Economic Development, the City Attorney's office, and many others that were involved, and the citizens on the Citizen Advisory Committee, they appreciated the work of Council and their diligent effort going forward. (Photos were taken of Council with the $15,000,000 check from Caesars.)

COMMUNICATIONS FROM VISITORS

Mayor Jones recognized Stetson Franklin, Community Christmas Dinner co-chair who noted with the pandemic they had to change how they did the Christmas Dinner. This year, instead of having a meal on Christmas day, they were doing a meal in the spirit of Christmas, and having it on December 19th. It will be a Christmas Stew with four pick up locations around Danville. Mr. Stetson noted registration was required and encouraged citizens to call by December 18th and reserve their stew. Council thanked Mr. Franklin for what he and his organization were doing.

Mayor Jones recognized Petrina Carter, who noted she was there on behalf of the Danville Kwanzaa Festival, scheduled for December 26th; it will be held virtually and in person. Ms. Carter reviewed some of the activities, area businesses being spotlighted, and stated Fred Motley would be doing storytelling, the Kuumba Dance Company would perform, and encouraged citizens to tune in from 2:00 to 4:00 p.m.; they can call 434-212-0445 for more information.

CONSENT AGENDA

Mayor Jones opened the floor for a Public Hearing regarding Budget Appropriation Items on the Consent Agenda. Notice of the Public Hearing was published in the *Danville Register & Bee* on December 8, 2020. No one present desired to be heard and the Public Hearing was closed.

Council Member Saunders **moved** for adoption of the following Consent Agenda Items:

Consideration of Approval of Minutes from the Regular Council Meeting held on November 17, 2020. Draft copies of the Minutes had been distributed prior to the meeting.

Budget Amendment - Consideration of Amending the Fiscal Year 2021 Budget Appropriation Ordinance for Grant Funds from the Virginia Department of Emergency Management in the Amount of $31,693

An Ordinance Entitled, Ordinance No. 2020-12.03, Amending the Fiscal Year 2021 Budget Appropriation Ordinance to Provide for a Grant from the Virginia Department of Emergency Management in an Amount of $31,693 for Equipment Upgrades to the Danville Regional Hazardous Materials Response Team, and Appropriating Same.

Budget Amendment - Consideration of Amending the Fiscal Year 2021 Budget Appropriation Ordinance for Grant Funds for the Victim/Witness Program in the Amount of $177,083

An Ordinance Entitled, Ordinance No. 2020-12.04**,** Amending the Fiscal Year 2021 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.

Budget Amendment – Consideration of Amending the Fiscal Year 2021 Budget Appropriation Ordinance for a Grant for Domestic Violence Victim Program

An Ordinance Entitled, Ordinance No. 2020-12.05**,** Amending the Fiscal Year 2021 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.

Budget Amendment – Consideration of Amending the Fiscal Year 2021 Budget Appropriation for a Danville Regional Foundation Peace Grant in the Amount of $25,000

An Ordinance Entitled, Ordinance No. 2020-12.06**,** Amending the Fiscal Year 2021 Budget Appropriation Ordinance by Increasing Revenue from a Danville Regional Foundation Grant for the P.E.A.C.E. with Police (Police Embrace Active Community Engagement) Initiative in the Amount $25,000 and Appropriating Same.

Budget Amendment – Consideration of Amending the Fiscal Year 2021 Budget Appropriation Ordinance for Revenues from Caesars Virginia LLC

An Ordinance Entitled, Ordinance No. 2020-12.07, Amending the Fiscal Year 2021 Budget Appropriation Ordinance by Increasing Revenues from Caesars Virginia, LLC, Casino Revenues for Various Capital Improvements for an Appropriation in the Amount of $15,000,000 and Appropriating the Same.

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

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

APPOINTMENTS

Vice Mayor Miller **moved** for adoption of the following Resolutions:

Resolution No. 2020-12.02 - Reappointing Jeffrey Bond as a Member of the Building Code Board of Appeals.

Resolution No. 2020-12.03 - Reappointing Arthur Craft as a Member of the Building Code Board of Appeals.

Resolution No. 2020-12.04 - Reappointing Lenard Lackey as a Member of the Employee Retirement System Board of Trustees.

Resolution No. 2020-12.05 - Reappointing Emmett Young as a Member of the Fair Housing Board.

Resolution No. 2020-12.06 - Reappointing Tommy Bennett as a Member of the Fair Housing Board.

Resolution No. 2020-12.07- Reappointing Kalil Khan as a Member of the Planning Commission.

Resolution No. 2020-12.08 - Reappointing James Bolton as a Member of the Planning Commission.

Resolution No. 2020-12.09 - Appointing Geary Davis as a Member of the Danville Pittsylvania Community Services Board.

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

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

NEW BUSINESS

REVIEW OF GENERAL FUND FINANCIAL RESULTS THROUGH NOVEMBER 30, 2020

Director of Finance Michael Adkins reviewed the General Fund Financial Results through the end of November, marking 42% of the fiscal year complete. Under Revenues, the City received $38.6M, this was down about $1.3M from the prior year but almost all of that difference was timing issues. One significant timing issue had to do with the current real estate tax collections. Most of the payments were received on or after December 1st; the due date was moved to December 7th because the 5th fell on a weekend. Last year, the City had some significant payments in November; that was one reason for the decrease in total revenues this year. Mr. Adkins noted he checked today and the City had hit their milestone, they like to collect 50% of the real estate taxes during the first half of the fiscal year and they hit that mark today; they have the second half of the month left for late payments to come in. For Delinquent Real Estate Taxes, at the end of November they were at 48% of budget; the City was going very strong compared to budget. Mr. Adkins reminded Council that the State portion of Personal Property taxes was not received

equally through year, the City only receives about 30% at this point, the rest in the spring. That holds back the City's collection percentage, but as of today, the City had collected 43% of Personal Property Taxes which was where the City should be. Under Local Taxes, the City has collected $9.5M at the end of November, an increase of $88,000 over last year at this time. It would have been higher, but there was a timing difference there as well. Sales Tax, a large part of the local tax revenue, was currently at 44% of budget, running about 2% ahead of where they would be in November. That was an increase of $368,000 over last year which was very notable. Mr. Adkins stated he believed the bulk of the increase was related to on-line sales; as recalled, the State took measures recently to ensure that localities received sales tax from online sales. Last month, Lodging Tax rebounded closer to budget and was holding at 42% of budget with 42% of the year complete. It was down about $52,000 from last year, but was on target as far as the percentage of budget. Mr. Adkins explained Meals Tax was where he saw a timing difference; at the end of November they had only collected 38% of budget. He looked at the first few days of December, perhaps it was the way the calendar fell this year, or the Thanksgiving holiday, but the City received about $222,000 during the first three days of December that really belongs in November, they were for October meals sales. If that had been received in time, the City would have been even with last year with meals tax at 41%. The City has been trailing in meals tax about 1% all year due to the restaurants not being able to operate at full capacity. As far as other revenues, interest earnings were down as rates were down, and they did budget for an interest rate decrease. State revenues were as they should be, if there were any differences, they were due to timing and that will work out as they progress through the new year.

On the Expenditure side, Departmental Spending was at 38% of budget, the City usually runs about a percent or two behind budget, this year was more. One main reason for that was the CARES Act money. One approved use of CARES Act Funding was to offset some public safety personnel costs and the City did a little bit of that, which caused a decrease. The other Expenditures were going as planned; the Transfers to Schools were sluggish this year, they were not needing that funding as quickly as they would last year, with face to face instruction. Other than that the General fund was operating as expected at this point.

PRESENTATION OF THE FISCAL YEAR 2020 AUDIT REPORT

Mr. Adkins introduced Julie Moore, a Manager with Brown, Edwards who conducts the City's External Audit. Ms. Moore thanked the City for allowing them to do the audit and thanked the Finance staff; this year was a very trying time with COVID and they had to do a lot of things remotely. The City received an unmodified, clean opinion, but there was one finding in the Material Weakness and it related to some grant funding the City had; that caused a correction with the Financial Statements. With that finding, they had no concerns that there was any fraud, it was just a big program that caused a lot of funding sources to come into play.

Mr. Adkins explained the City did have a finding, they don't like that, they like the reports to be error free and wanted to provide some context behind that. The correction the City needed to make was in the Special Revenue Fund; that was the fund the City used to account for all the Federal, State and Local grants it receives, any revenue that was designated for a very specific purpose. This year, the correction they needed to make had to do with Hurricane Michael; that was a very large, expensive event with a lot of funding sources coming into play to cover those costs. One of things that needed to be corrected was money from FEMA; FEMA has obligated several million dollars to the City to help offset those costs. At that end of the year, they prepared their June 30th Financials for the Special Revenue Fund, they recorded a receivable for the entire amount that FEMA obligated to the City. What staff did not realize, there were things that FEMA called Small Projects, and others called Large Projects. The Small Project money, the City

received right away, the Large Project money was on a reimbursement basis; the City has to actually spend the money on the project before they can ask for the reimbursement. What the City should have done on June 30, was only record a receivable for the actual amount the City had spent thus far on those Large Projects; the City actually recorded the receivable for the entire obligated amount. The City had a similar situation with the Federal Highway Administration, they were also providing reimbursement for some of the roadway repairs from Hurricane Michael. This was just a change to the receivables that were booked, it really doesn't impact the revenue the City will receive in the future.

PUBLIC HEARING – CONSIDERATION OF VACATING APPROXIMATELY 0.58 ACRES OF RIGHT OF WAY ON OLD FARM ROAD

Mayor Jones opened the floor for a Public Hearing regarding Vacating Approximately 0.58 Acres of Right of Way. Notice of the Public Hearing was published in the *Danville Register & Bee* on December 8, 2020 and December 14, 2020. No one present desired to be heard and the Public Hearing was closed.

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

ORDINANCE NO. 2020-12.08

VACATING APPROXIMATELY 0.58 ACRE OF UNIMPROVED PUBLIC RIGHT-OF-WAY ON OLD FARM ROAD.

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

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

PETITIONING THE COMMONWEALTH TRANSPORTATION BOARD FOR OWNERSHIP OF PARCEL #50902

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

RESOLUTION NO. 2020-12.10

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

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

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

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

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

RESOLUTION NO. 2020-12.11

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 Buckner and carried by the following vote:

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

DESIGNATING ARNOLD HENDRIX AS THE CITY'S FOIA OFFICER

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

RESOLUTION NO. 2020-12.12

A RESOLUTION OF THE COUNCIL OF THE CITY OF DANVILLE, VIRGINIA DESIGNATING THE CITY'S PUBLIC INFORMATION OFFICER ARNOLD HENDRIX AS THE CITY OF DANVILLE'S FREEDOM OF INFORMATION ACT OFFICER.

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

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

BUDGET AMENDMENT - CONSIDERATION OF AMENDING THE FISCAL YEAR 2021 BUDGET APPROPRIATION ORDINANCE FOR THE EDWARD BYRNE MEMORIAL JUSTICE ASSISTANCE GRANT PROGRAM IN THE AMOUNT OF $29,787

Upon **Motion** by Council Member Vogler and **second** by Council Member Hood, an Ordinance entitled:

ORDINANCE NO. 2020-12.09

AMENDING THE FISCAL YEAR 2021 BUDGET APPROPRIATION ORDINANCE BY INCREASING REVENUE FOR THE 2020 EDWARD BYRNE MEMORIAL JUSTICE ASSISTANCE GRANT (JAG) PROGRAM AWARD IN THE AMOUNT OF $29,787 TO BE USED TO IMPLEMENT A SPEED TRAILER PROJECT.

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

BUDGET AMENDMENT – CONSIDERATION OF AMENDING THE FISCAL YEAR 2021 BUDGET APPROPRIATION ORDINANCE FOR ECONOMIC DEVELOPMENT INCENTIVE FUNDS IN THE AMOUNT OF $1,269,875

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

ORDINANCE N**O. 2020-12.10**

AMENDING THE FISCAL YEAR 2021 BUDGET APPROPRIATION ORDINANCE FOR THREE COMMONWEALTH OPPORTUNITY FUND GRANTS FROM THE VIRGINIA ECONOMIC DEVELOPMENT PARTNERSHIP IN THE AMOUNTS OF $275,000, $150,000, AND $780,000 RESPECTIVELY AND ONE TOBACCO REGION OPPORTUNITY FUND GRANT FROM THE VIRGINIA TOBACCO REGION REVITALIZATION COMMISSION IN THE AMOUNT OF $64,875 FOR A TOTAL OF $1,269,875 AS AN ECONOMIC DEVELOPMENT INCENTIVES FOR TAXABLE CAPITAL INVESTMENTS AND JOB CREATION IN THE COMMONWEALTH OF VIRGINIA.

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

COMMUNICATIONS

City Manager Ken Larking wished everyone a safe Christmas, Happy Holidays and a Happy New Year.

Deputy City Manager Earl Reynolds wished everyone the very best Christmas to end this year and a very happy New Year.

City Attorney Clarke Whitfield wished the Council and the citizens a Merry Christmas, Happy Hanukkah and a wonderful holiday season.

Council Member Saunders noted the late Reverend Dr. Terry Lee Ferguson, who worked for the Danville Housing Authority and did so much for so many people in the City and region, passed away last week. Mr. Saunders wanted his family to know they were praying for them. Mr. Saunders stated he wanted to give a special thanks to a lot of people, the list was inconclusive, the Department of Social Services, God's Storehouse, God's Pit Crew, Rotary, Churches, City Employees, neighbors, doctors, nurses, community action, Salvation Army, Danville Pittsylvania Community Services, PATHS, Boys and Girls Club, House of Hope, Danville Neighborhood Development Corporation and so many, many more. Citizens were living in unprecedented times and people find themselves in situations they never expected to be in; they have wonderful people in the City who lend a helping hand. To everyone, Merry Christmas and have a safe holiday season.

Council Member Vogler noted each year, when Fred Shanks was here, he would let people know about the Chrismon Tree at Ascension Lutheran Church which was happening again this year; they have been doing this since 1957. Because of COVID they decided to have it outdoors, and it was out there now, through January 2nd. Mr. Vogler encouraged citizens to attend the Holiday Light show; this year was the biggest and best so far, the lights were fantastic. Mr. Vogler wished everyone a Happy Hanukkah, Merry Christmas and Happy New Year.

Council Member Buckner noted the light show was amazing, showing a sense of community and pride the different organizations and businesses take in their light show. During these times, when people can't socialize as much, this was an easy way to social distance, riding around the park in your car and looking at all the wonderful lights. Mr. Buckner wished Council and citizens a Merry Christmas, Happy Hanukkah, Happy Kwanzaa and Happy New Year.

Council Member Campbell wished everyone a Merry Christmas, be safe and happy and enjoy your family. The times they were living in right now were different, and asked citizens to continue to social distance and protect one another. Reverend Campbell noted he served many years on the Christmas Dinner and Bibleway used to sponsor it for several years; he was glad to see that it was continuing on with changes.

Council Member Hood reminded citizens about the Christmas Stew with pick up on December 19th and the Danville Kwanzaa Festival on December 26th. During these unprecedented times, please enjoy your loved ones, stay safe and have a Happy Holiday.

Council Member Mayo wished everyone a safe and Happy Christmas, enjoy your family and the times you have with them. They were in unprecedented times, but they will get through it; Merry Christmas.

Vice Mayor Miller encouraged citizens to get their vaccines and noted he was looking forward to improved patient care and a return to normal when COVID was gone. He thinks it will be great year for Danville with hundreds of jobs coming with the casino, Morgan Olsen was hiring and PATHS had a ribbon cutting the other day, supporting people who don't have the means to pay their full medical bills. Vice Mayor Miller wished everyone a Merry Christmas and asked the City Manager for an update on the traffic light at Southwyck.

Mayor Jones reminded citizens of the Kwanzaa celebration on December 26th from 2:00 to 4:00 p.m. and for more information call 434-212-0445. Mayor Jones thanked the Community Christmas Dinner committee for putting on the Christmas Stew and encouraged citizens to call and make a reservation by December 18th. Yesterday he attended the ribbon cutting at PATHS for a new pharmacy and dentist office at 501 Rison Street. Mayor Jones reminded citizens of the Peace sign, noting peace means societal friendship and harmony and a lack of conflict, and wished everyone a Merry Christmas.

ADJOURNED: 7:48 P.M.

APPROVED:

s/Alonzo L. Jones
MAYOR

ATTEST:

s/Susan M. DeMasi, CMC
CITY CLERK