

November 15, 2022

The Second Regular November meeting of the Danville City Council was held on November 15, 2022, 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 Mayo, Dr. Gary P. Miller, Sherman M. Saunders, 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.

INVOCATION AND PLEDGE OF ALLEGIANCE

Vice Mayor Gary P. Miller gave the Invocation, followed by the Pledge of Allegiance.

Mayor Jones asked for a moment of silence for those at UVA.

ANNOUNCEMENTS AND SPECIAL PRESENTATIONS

Presentation: Danville Transportation System
Presented by: Marc Adelman, Director of Transportation

Director of Transportation, Marc Adelman, reviewed his PowerPoint presentation on projects being conducted to enhance customer service at both the Airport and Mass Transit divisions. Mr. Adelman explained the new bus stop signs will have a text number and QR code that can be scanned. Once the passenger texts the number, they will receive a response with the bus locator link, additional information, and arrival times for that bus stop location. Another project includes replacement of the automated scheduling software. This will offer a variety of new features including a new mobile app that allows customers to pay using their credit card, schedule service, and physically see where the bus was located; passengers will be able to schedule their own service and will not need to make a reservation by calling dispatch and speaking with an office person. This system will also send notifications to passengers regarding pick up and if a driver was running behind; it can automatically reassign trips to other drivers so that passengers will not be delayed. They have recently signed a contract to renovate the Transfer Center building on Spring Street. This renovation will include a new bathroom for employees and the installation of a large television to display passenger information.

Mr. Adelman reviewed projects at the Airport noting the shorter runway at the Danville Airport was undergoing renovations to improve pavement conditions. The Terminal Building renovation project has allowed for reorganization of space for improved and expanded office space and a larger area for increased passenger capacity. One of the conference rooms has been renovated into a pilot's lounge, and they were currently working on the airside canopy renovations. The final project will involve the rehabilitation of the south ramp; phase one was scheduled to be started this month. Mayor Jones asked if there would be an open house scheduled for the public, and Mr. Adelman stated that would be sometime in the Spring of 2023.

Council Member Buckner asked if the majority of this funding was state and federal, and Mr. Adelman explained that aviation and transit projects were highly subsidized with state and federal funds. The south ramp project was only costing the City 2% with federal and state aide.

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Council Member Saunders thanked Mr. Adelman for an excellent presentation, and questioned if the City has backup buses and if so, how many; Mr. Adelman stated there were a total of twenty-seven buses in the fleet so there was a very good spare ratio. They have drivers, they just hired four more, and were getting in a better position. Mr. Adelman stated his concern was with the fleet aging. They cannot replace buses every eight months anymore, it looks like it will be a couple of years, or an eighteenth month turn around for buses after they were ordered. Mr. Saunders stated that the City was growing, and more people were coming to Danville. In regard to routes, how often were routes adjusted, were they adjusted as needed, how were routes determined. Mr. Adelman stated ridership data was tracked very carefully every month by route, weekday service, and weekend service. They adjust according to commercial development, so annually they make some adjustment, but it depends on customer input as well as commercial development.

Vice Mayor Miller stated he understood that 25% of the riders were involved in the Navy program at the Institute; that has been a big boom since they were spending a year here in that program. Mr. Adelman noted that was correct; in September, 25% of their reserve ride customers were in the Navy program at the Institute. That number may quadruple by this time next year and that was why it was important to get buses into the fleet. Vice Mayor Miller asked if the City was competitive in pay, and Mr. Adelman stated that pay was competitive it was just challenging everywhere to recruit drivers. One of the big challenges was that the City operates six days a week, 21 hours a day, from 4:00am to 1:00am. Driving was challenging and stressful; it's not for everybody. Vice Mayor Miller asked about the area was on the runway past South Boston Road, and Mr. Adelman stated that was a "blast pad". In aviation, the chevron markings mean to a pilot that they were not supposed to use that part of the pavement. Vice Mayor Miller asked if there was room to extend the runway and Mr. Adelman stated there was enough land to the south of the area to extend the runway.

Council Member Vogler thanked Mr. Adelman for his presentation, and he was glad it was done for the people here, questioned the possibility to have a commercial airline here and what would that entail. Mr. Adelman stated historically when Danville had commercial air service through November 1995, it was linked to a subsidy program called the Essential Airline Service Subsidy. At that time, the City received about \$600,000. That same program was still in effect but the funds being allocated to support the increased cost to operate aircraft, for commercial services, was in the millions, and it was all market driven. For a commercial airline to come to Danville, they could come on their own volition, but Danville was surrounded by commercial airports that offer very good, low fares in Greensboro, Raleigh, and Lynchburg. It was feasible, and incentives could be offered, but it would be very costly to the City to attract an airline.

COMMUNICATIONS FROM VISITORS

Mayor Jones recognized Dale McCray, Lead Organizer for the International Brotherhood of Electrical Workers, who spoke to Council regarding Power and Light employees requesting to form a union, and discussing a collective bargaining ordinance or resolution to be passed before Council. Mr. McCray stated that he spoke with the City Manager and was told that a resolution was listed on tonight's agenda. He was concerned about the resolution, stating that it "prohibits collective bargaining" or "employee groups". Mr. McCray wanted to know if that was the gist of the resolution, and reminded Council that public workers would not be allowed to strike, and this would not hurt the City's budget. This was a way for workers to have a voice for concerns that they have. The resolution that was on the table was opposite of what the workers were asking for.

Council Member Saunders asked for the formal definition of collective bargaining versus union, and Mr. McCray stated that they would have to have a union in order to have collective bargaining.

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Up until two years ago, the state of Virginia prohibited public employees from having a union. Mr. Saunders asked what they looked to gain in the future that they do not already have now, especially with Virginia being a "right to work" state. All of the City employees were protected by EEOC laws, Virginia laws, and City grievance procedures. The City also pays employee benefits, and this Council would never allow a City employee to be mistreated. Mr. McCray stated that during a grievance procedure one employee has to take on answering to his manager and the manager above him. When it was a collective group of people it was not that individual taking on those people; it was an organization backing them during that process. Mr. Saunders stated that over the past few years the City has had maybe five grievances with over 1100 employees. This suggests that the City was doing a pretty good job of being fair to all of its employees; he was trying to understand what they want or need that they do not already have.

Council Member Campbell thanked Mr. Saunders for the questions that he asked, and asked Mr. McCray about the union and also union representatives, and Mr. McCray noted that the union representatives or stewards would be City employees on the job. Reverend Campbell asked if someone had a disagreement or grievance, would they still go to the HR department; his concern was that collective bargaining was more intense, that there was a higher person to represent those people. Mr. McCray stated that an actual representative from the IBEW would not get involved until the last step in the process of mediation.

Mayor Jones reminded Council that a compensation pay study was currently being done for City employees. Council Member Saunders asked the City Attorney if any decision was made tonight, can this issue be revisited and City Attorney Clarke Whitfield stated that it could.

Mayor Jones thanked Mr. McCray for coming tonight and presenting on behalf of the employees.

Mayor Jones recognized Thomas Collins, a Captain in the Danville Fire Department, who came to speak on behalf of Local 2532 regarding the collective bargaining resolution on the agenda; they were not there because of the pay issue. Mr. Collins noted passing a resolution like this does not encourage the city employees to have more faith in their elected officials and will merely further the need for something that has collective bargaining. They want and deserve a seat at the table because they were the ones this resolution was going to affect. It was being pushed quickly and would like it to slow down if possible. Mr. Collins asked that this resolution be tabled.

Council Member Saunders thanked Mr. Collins for coming. As a Council Member, he has gone to the Fire Department with the Mayor, had lunch, had discussions with them. With regard to how the employees were being treated and having the right to negotiate certain things, he has been there twenty-four years and has not seen anything come before Council that they did not address. They may not have given what the person asked for, but they did negotiate an agreement. He wanted people watching the meeting to understand that this Council was not anti-union or anti-bargaining, Council makes sure as best they can that their employees were treated fairly, given the proper compensation, the proper rules for their jobs and would like to think they did a pretty good job of that. In terms of asking for collective bargaining and a union, usually there was a reason for that; someone has been unfairly treated. There were federal and state laws governing that as well as local laws. He was not anti-union, but he does believe in fairness and if anything was going on in the city that any of the nine council members know about under the City Manager's offices, they were going to address that; they have always done that.

Mayor Jones noted Mr. Collins stated he was not there to talk about pay, and even though they were not there to talk about pay, he just wanted them to know, from this Council, that there was a pay study being done, and Council will be reviewing that in a couple weeks.

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Vice Mayor Miller noted he passed out a handout to Council Members, and stated there was a discrepancy in the pay between Danville firefighters and every surrounding community. Dr. Miller noted it was going to be hard for Council to vote on this resolution until they see the pay study; it was premature to vote on it tonight. Dr. Miller noted his biggest concern was, councils change, they have a good city manager now, he listens to the workers, but contrary to what Mr. Saunders said, he have seen city managers in the past who didn't listen to the workers. The employees need some guarantee that this will be stable from administration to administration, city manager to city manager and city council to city council; they need something they can fall back on. Mr. Collins thanked Dr. Miller for those statements and noted his agreement, it was premature to vote on this tonight. He would also address Council Member Saunders where he said he wants the open negotiations, and they have done a good job, but it goes back to the fact that with a contract, they can cut this out. With the collective bargaining, it was not in a public forum; it was done with a negotiator from their side which would most likely be workers, they would be listening to them and bring something forth and it would be a discussion with some type of teeth to it.

Mayor Jones recognized Steve Barrow, 815 Wilson Street, the owner of Hammerhill Computers who thanked Mr. Larking and Mr. Whittle for assisting him in getting a light fixed quickly.

Mayor Jones recognized Fredrick Meder, Jr., 154 Chestnut Street, who congratulated everyone on their re-election. He spoke about his historical home being highlighted on the holiday tour, and about the improvements and restorations that have been made to the home. Mr. Meder invited Council to come out and take a look on December 10 Historical Tour of Homes.

CONSENT AGENDA

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

Minutes from the Regular Council Meeting held on October 18, 2022. Draft copies of the minutes had been distributed prior to the meeting.

Amending the Fiscal Year 2023 Budget Appropriation Ordinance for Grant Funds Related to Food Service at WW Moore Jr. Detention Home

An Ordinance entitled, Ordinance No. 2022-11.05, an Ordinance Amending the Fiscal Year 2023 Budget Appropriation Ordinance for a Federal Grant in the Amount of Approximately \$31,746 to Aid the Food Service Operations at W. W. Moore, Jr. Detention Home and Appropriating Same.

Consideration of Amending the Fiscal Year 2023 Budget Appropriation Ordinance for a Grant from the Department of Juvenile Justice to Provide for Electronic Monitoring and Outreach Detention

An Ordinance entitled, Ordinance No. 2022-11.04, an Ordinance Amending the Fiscal Year 2023 Budget Appropriation Ordinance for a Grant from the Department of Juvenile Justice in the Amount of \$86,999 and a Local Share of \$39,830, for a Total Appropriation of \$126,829, to Provide for the Electronic Monitoring and Outreach Detention Programs, Youth Gang Violence Prevention Programs, and Online Intervention Programs for the City of Danville at the W. W. Moore Jr. Detention Home and Appropriating Same.

Amending the Fiscal Year 2023 Budget Appropriation Ordinance for a US Department of Justice Community Policing Development Program Grant

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An Ordinance entitled, Ordinance No. 2022-11.06, an Ordinance Amending the Fiscal Year 2023 Budget Appropriation Ordinance by Increasing Revenue from the United States Department of Justice Community Policing Development Program Grant in the Amount of \$106,554 for use in Conducting a Comprehensive Case Study to Understand the Danville Police Department's Success in Decreasing Crime and Improving Community Collaboration and Trust.

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

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

APPOINTMENTS

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

Resolution No. 2022-11.15 - A Resolution Reappointing David Cumbo to the Industrial Development Authority.

Resolution No. 2022-11.16 - A Resolution Reappointing John Laramore to the Industrial Development Authority.

Resolution No. 2022-11.17 - A Resolution Reappointing Philip Hall to the Industrial Development Authority.

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

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

NEW BUSINESS

Review of General Fund Financial Results as of October 31, 2022

After completing the first third of the fiscal year, total revenues came in at about \$28M, an increase of about \$1M from last year. Nearly all of this increase was coming from consumer driven local taxes. Sales taxes were on target with budget at 34%, an increase of \$232,000 over last year. Meals tax was ahead of budget at 38%, an increase of \$328,000 over last year, and lodging taxes were ahead at 47% of budget, an increase of \$218,000 over last year. Regarding the event at VIR back in September, Mr. Adkins noted he cannot say all of the increase was due to that, but meals and lodging combined increased about \$55,000 over the last month. Real Estate and Personal Property tax bills went out a week or so ago and were due in about three weeks. Delinquent collections of real estate was still progressing well with about 50% of the \$900,000 budget already collected at this point. The City's next parcel auction will be held in this room on Friday, December 16th at noon.

Under Revenues, the interest rate increases that have been going on recently with the Federal Reserve have helped the City's investment earnings. There was a timing difference on some the

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interest statements this month, so they didn't get all of the October information in for the October statement, but if they had, they would have been at 45% of budget at this point. State revenues were being received timely and everything was on target there. With regard to Expenditures, Departmental Spending was at 31% of budget, trailing at about 2% which was a good place, and they would like to keep that consistent through the year. Non-Departmental Expenses were at 39% and as a reminder, at this point, 50% of the Debt Service has been paid, which drives that percentage up. Also, the Retiree Bonus, which does not happen all the time, but did happen this past year, comes out of that Non-Departmental category; that has been paid.

Mr. Adkins stated he had no concerns about the General Fund performance at this point. For the bond issuance for this year, the City did its credit rating presentations and all three credit rating agencies upheld the City's current AA credit rating. The City will hold its competitive bids for that bond sale tomorrow. Mr. Adkins noted that was all he had this evening.

CONSIDERATION OF SUBMITTING AN ENTERPRISE ZONE AMENDMENT APPLICATION FOR CITY ENTERPRISE ZONE #1

Mayor Jones opened the floor for a Public Hearing regarding an Enterprise Zone Amendment Application. Notice of the Public Hearing was published in the *Danville Register & Bee* on November 7, 2022 and November 14, 2022. No one present desired to be heard and the Public Hearing was closed.

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

RESOLUTION NO. 2022-11.11

A RESOLUTION AUTHORIZING THE CITY MANAGER TO SUBMIT TO THE VIRGINIA DEPARTMENT OF HOUSING AND COMMUNITY DEVELOPMENT AN ENTERPRISE ZONE AMENDMENT APPLICATION FOR THE CITY ENTERPRISE ZONE #1.

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

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

Council Member Whittle stated with regard to Enterprise Zone #1, were there other areas that could be picked up on Riverside Drive or Piney Forest Road where there was new construction. Kelvin Perry, Project Manager and Enterprise Zone Coordinator, stated that if there were any businesses that may be coming up, they need to call the City, because the Enterprise Zone was allowed to make changes once a year. They were aware of some projects that will be coming up next year.

CONSIDERATION OF AUTHORIZING AND APPROVING EXECUTION OF A MORAL OBLIGATION AGREEMENT

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

RESOLUTION NO. 2022-11.12

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A RESOLUTION OF THE COUNCIL OF THE CITY OF DANVILLE, VIRGINIA APPROVING AND AUTHORIZING A MORAL OBLIGATION SUPPORT AGREEMENT WITH THE INDUSTRIAL DEVELOPMENT AUTHORITY OF DANVILLE, VIRGINIA FOR THE 1 ECOMNETS WAY PROJECT.

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

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

CONSIDERATION OF ENDORSING A VIRGINIA HIGHWAY SAFETY IMPROVEMENT PROGRAM APPLICATION

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

RESOLUTION NO. 2022-11.13

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF DANVILLE, VIRGINIA AUTHORIZING ENDORSING A VIRGINIA HIGHWAY SAFETY IMPROVEMENT PROGRAM APPLICATION.

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

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

CONSIDERATION OF APPROVING A POLICY ON COLLECTIVE BARGAINING

Mayor Jones yielded to the City Attorney for an explanation of what a “yes” and “no” vote meant pertaining to this resolution. Mr. Whitfield stated this Resolution was the collective bargaining resolution; a yes vote would mean that the City would not be allowed to collectively bargain and would not be recognizing any labor unions or employee groups. A no vote would be basically against that, and the process would be started all over again.

Vice Mayor Miller asked where the schoolteachers and employees fall, were they considered city employees or school board employees and Mr. Whitfield stated that the school system was a separate political subdivision, so they will have to make their own decision; they would not come to Council to make that decision.

Council Member Saunders asked again if this could be revisited, no matter the outcome, at another time, and Mr. Whitfield stated that it could. Council Member Campbell asked if this was just for the fire department or all workers and Mr. Whitfield stated this would affect all City workers.

Council Member Campbell **moved** to **TABLE** a Resolution entitled:

RESOLUTION NO. 2022-11.14

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A RESOLUTION OF THE CITY OF DANVILLE, VIRGINIA REGARDING CITY EMPLOYEE-MANAGEMENT RELATIONS AND COLLECTIVE BARGAINING.

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

Vice Mayor Miller noted since he printed his handout on pay, he did some last minute research and the pay discrepancies have gotten more. He would like to see where the City was going to go to get close to matching this, and believed this item should be tabled.

Council Member Vogler stated that pay discrepancies were a concern and had asked the City Manager to look at this. Mr. Vogler noted he was trying to find the correlation between this vote tonight and addressing the pay study; why does one have to wait for the other. Council Member Vogler asked if the original motion passed tonight, that keeps the process as it currently was and Mr. Whitfield explained the City has never had collective bargaining and would not have collective bargaining, and the only difference was at this point, unless there was a further council action, collective bargaining would not be allowed to happen and the City would not be allowed to recognize any employee groups or unions. Mr. Vogler noted prior to last year, when the state changed, it was never a consideration or factor, this was happening now because the state made a change a year ago.

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

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

COMMUNICATIONS

City Attorney Clarke Whitfield asked everyone to keep the victims of the UVA shooting in their prayers and collectively thanked everyone who has supported him and had comforting words. He also thanked all the colleagues that have reached out to UVA as well; they will get through this.

Council Member Saunders sent his condolences and prayers to families affected at UVA. He thanked Council for the respect each of them had for each other during discussions, and thanked everyone for coming tonight, those who spoke, and believes they can find ways to resolve this issue.

Council Member Vogler thanked all the City employees who came out tonight and those who were not able to be here; Council appreciated each and every one of them for what they do for the City and the region. As a father, he could not imagine what it would feel like to go through a situation like what happened at UVA. To have that unfolding and not be able to reach your child, his heart breaks for that entire community and for each of the family members affected.

Council Member Whittle thanked everyone for coming out tonight.

Council Member Buckner noted his thoughts and prayers were with everyone affected by the tragedy at UVA. He thanked all the City employees who came out tonight and for all they do on a day-to-day basis. Mr. Buckner thanked everyone who participated in the 15th Annual Bright Leaf Brew festival this past weekend; it was a great time and a raging success. Mr. Buckner stated he was thankful for the opportunity to be a part of that board and bring success to the City.

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Council Member Campbell stated their hearts go out to UVA and the families; life was short and they should show love, respect, and value for each other. A work session was held between Council and the School Board this past Saturday, he felt it was a success, and commended Dr. Hairston and Mayor Jones for putting that together.

Council Member Hood thanked everyone who came out tonight and for their service. His condolences were with the victims and families of the UVA tragedy. Mr. Hood noted they can go back and forth on gun violence and the communities it affects but they need to go deeper into people's mental health and be mindful of that. They need to stand up and keep themselves and the cities in prayer. Mr. Hood encouraged citizens to support one another, work together and continue to thrive and move forward as a City.

Council Member Mayo congratulated everyone who ran for election, and was glad to have them back. Council appreciates everyone who came out tonight, and they hear them. This Council works well together in solving all that comes to them. Mr. Mayo noted they will continue to pray for the victims and the families of UVA.

Vice Mayor Miller thanked everyone for coming out tonight, and gave a shout out to the River District Golf and Dining Club on Lynn Street. Caesars and Averett announced their hospitality program last week, and congratulated Dean Hairston and Jennifer Holley who have left the City to take on roles with Caesars. Dr. Miller noted the UVA incident was tragic and his prayers went out to the families affected.

Mayor Jones noted they were about to come up on Thanksgiving and hoped everyone has a wonderful holiday. The School Board and Council retreat was wonderful; they learned a lot and gained a lot. There were a lot of events in the community this past weekend that were outstanding. The Harry Johnson Holiday Classic tournament will be back again this year on December 27, 28, and 29. He thanked all the voters who came out and voted, and congratulated Council Member Hood on being appointed by his job to be a mentor at Park Avenue school. Mayor Jones thanked everyone for being in attendance tonight.

Meeting adjourned at 8:37pm.

APPROVED:

s/Alonzo L. Jones
MAYOR

ATTEST:

s/Susan M. DeMasi, CMC
CITY CLERK