

October 4, 2018

The Regular October meeting of the Danville City Council was held on October 4, 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: 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 AND PLEDGE OF ALLEGIANCE

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

Mayor Jones presided.

ANNOUNCEMENTS AND SPECIAL RECOGNITIONS

Mayor Jones read a Proclamation entitled "A Day of Action Against Hunger and Poverty" and presented it to the Danville CROP Hunger Walk Planning Team.

Mayor Jones read a Proclamation entitled "Domestic Violence Month" and presented it to Lisa Caviness and Sheriff Mike Mondul.

COMMUNICATIONS FROM VISITORS

Mayor Jones recognized Angie Dixon who spoke to Council about her program, Hoops Don't Shoot, and the work they are doing with Danville youth.

Mayor Jones recognized Clementine Tunstall, 629 Springfield Road, who spoke to Council about the damage to her property from the recent flooding.

Mayor Jones recognized Bruce Hedrick, 25 Old Halifax Road who spoke to Council about the old railroad bridge at the end of Water Street which connects Water Street to Eagle Springs Road. The bridge has been out for about a year after being damaged by a train; without access to the bridge, residents of Water Street were trapped by the flooding.

Mayor Jones recognized Taylor Naff, Community Improvement Council, who invited Council and citizens to Head Start Awareness Day on October 25, 2018 and discussed the services offered by Head Start.

Mayor Jones recognized Sidney Fitzgerald, 121 Wendell Court, who noted he also had devastation due to the recent flood.

Mayor Jones recognized Deborah Light, Heartline Restaurant who noted she suffered devastation from the recent flooding.

Mayor Jones recognized Shelby Hailstock, Donita Richardson and Curtis Hailstock, representing Mount Carmel Baptist Church, and spoke about the devastating flood they experienced at the Church.

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Mayor Jones recognized Caroline Hansley, representing the Sierra Club who spoke to Council, urging them to pass a resolution against the MVP Southgate pipeline.

CONSENT AGENDA

Council Member Whittle **moved** for approval of the Consent Agenda Items:

Minutes from the Regular Council Meeting held on September 4, 2018. Draft Copies had been distributed prior to the Meeting.

Budget Amendment – Amending the FY 2019 Budget Appropriation Ordinance for Virginia DMV Occupant Protection Grant Funds

An Ordinance entitled: Ordinance No. 2018-09.12, presented by its First Reading on September 18, 2018, Amending the Fiscal Year 2019 Budget Appropriation Ordinance by Increasing Revenue from Virginia Department of Motor Vehicles Highway Safety Office Selective Enforcement – Occupant Protection Grant Program in the Amount of \$5,250.00 and Appropriating Same.

Budget Amendment – Amending the FY 2019 Budget Appropriation Ordinance for Virginia DMV Highway Safety Speed Grant Funds

An Ordinance entitled: Ordinance No. 2018-09.13, presented by its First Reading on September 18, 2018, Amending the Fiscal Year 2019 Budget Appropriation Ordinance by Increasing Revenue from Virginia Department of Motor Vehicles Highway Safety Office Selective Enforcement – Speed Grant Program in the Amount of \$9,100 and Appropriating Same.

Budget Amendment – Amending the FY 2019 Budget Appropriation Ordinance for Virginia DMV Highway Safety Alcohol Grant Funds

An Ordinance entitled: Ordinance No. 2018-09.14 presented by its First Reading on September 18, 2018, Amending the Fiscal Year 2019 Budget Appropriation Ordinance by Increasing Revenues from the Virginia Department of Motor Vehicles Highway Safety Selective Enforcement – Alcohol Grant Program in the Amount of \$19,285 and Appropriating Same.

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

OLD BUSINESS

Code Change – Amending Chapter 37 of the Danville City Code to Add a New Section, Entitled “Data Centers and Data Center Tax Rate.”

Mayor Jones opened the floor for a Public Hearing to consider Amending the Danville City Code to add a new section on Data Centers and Data Center Tax Rates. Notice of the Public

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Hearing was published in the *Danville Register & Bee* on September 25, 2018. No one present desired to be heard and the Public Hearing was closed.

Upon **Motion** by Vice Mayor Vogler and **second** by Council Member Campbell, an Ordinance entitled: Ordinance No. 2018-09.15, presented by its First Reading on September 18, 2018, Amending and Reordaining Chapter 37, entitled "Taxation", Article II, entitled "Levy and Rate of Tax on Real Estate, Tangible Personal Property, Etc." of the Code of the City of Danville, 1986, as Amended, to Add a New Section 37-37, Entitled "Data Centers and Data Center Tax Rate" was presented for final adoption.

Vice Mayor Vogler noted if this is approved tonight, Danville will have the lowest tax rate in Virginia for data centers to locate. That helps make a strong argument that Danville is the best place in Virginia to locate a data center, which would bring jobs and revenue into the City. There are other places that have done this and have had a lot of success. Mr. Vogler noted he could not guarantee if Council passed this tonight they will have a data center in a year or two, but can guarantee if the Council does not take action, Danville will never have a data center. Council Member Miller noted he supported this as well; a few years ago, looking at the Schoolfield property, Council envisioned that possibly being a data center site. There are areas in the City which would be good locations for several data centers, that is one of them. This is long overdue in the City.

The **Motion** was adopted 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 Resolutions:

Resolution No. 2018-10.01 – Reappointing Constance Covington to the Danville Redevelopment and Housing Authority.

Resolution No. 2018-10.02 – Appointing Jermaine Parker to the Danville Redevelopment and Housing Authority.

Resolution No. 2018-10.03 – Reappointing John Ranson to the River District Design Commission.

Resolution No. 2018-10.04 – Reappointing Robert P. Keesee to the River District Design Commission.

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

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NEW BUSINESS

RECEIPT AND APPROVAL OF THE REPORT OF DELINQUENT AND IMPROPERLY ASSESSED TAXES AS OF JUNE 30, 2018

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

RESOLUTION NO. 2018-10.05

ACKNOWLEDGING RECEIPT OF AND APPROVING THE REPORTS, DATED AUGUST 31, 2018, OF DELINQUENT AND IMPROPERLY ASSESSED TAXES AS OF JUNE 30, 2018, SUBMITTED TO THE COUNCIL BY THE DIRECTOR OF FINANCE

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

Council Member Buckner asked for clarification of what the City does to pursue people who owe back property taxes. Director of Finance Michael Adkins explained for real estate, the City turns over the delinquent accounts to their collection agency in Richmond. They are very successful and use various tools to pursue the unpaid real estate taxes. For Personal Property, the City has some tools including DMV stops which can prevent someone from renewing their license plates at the DMV until those taxes are paid. Mr. Buckner asked exactly how much back taxes are owed to the City at this point and Mr. Adkins noted for real estate, at the time of the report, June 30, 2018, the figure is \$2,350,000; that is twenty years worth of unpaid real estate tax. A lot of that is in the first year, the fiscal year the City just completed; taxpayers don't get their payment to the City by the end of June. The City will collect most of that this current fiscal year, it has collected over \$430,000 in July, August and September related to the fiscal year just completed.

Council Member Shanks stated when Council was going through the budget process, he believed the number projected to be collected on back taxes continues to diminish because of the collection rate and Mr. Adkins explained when the City first started using the collection agency, there were low hanging fruit, so collections were over \$1M a year for several years. That has slowed down and the more difficult cases are still being pursued, and the City is looking at maybe \$700,000 to \$800,000 in collections. Council Member Miller noted \$800,000 a year is about four cents on the City's property tax; the City struggles every year not to raise the real estate or other taxes; it is imperative that the City collect these taxes. Council Member Whittle questioned what percentage the City received from the debt collection company and Mr. Adkins noted he did not have that information with him, but would provide it to Mr. Whittle.

Mayor Jones questioned if the same DMV stops used for Personal Property Tax could be used for Real Estate taxes and Mr. Adkins noted he believes the City does not have that tool for real estate taxes. The City can put a lien against the property so if it is sold, at that point, the City could receive the back taxes for real estate. The DMV stops are for vehicles because DMV has control, and records of who owns the vehicles.

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

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BUDGET AMENDMENT - AMENDING THE FY 2019 BAO FOR A USDA GRANT FOR FOOD SERVICE OPERATIONS AT W.W. MOORE JR., DETENTION HOME IN THE AMOUNT OF \$62,867

Upon **Motion** by Vice Mayor Vogler and **second** by Council Member Buckner an Ordinance entitled:

ORDINANCE NO. 2018-10.01

AMENDING THE FISCAL YEAR 2019 BUDGET APPROPRIATION ORDINANCE FOR A FEDERAL GRANT IN THE AMOUNT OF APPROXIMATELY \$62,867 TO AID THE FOOD SERVICE OPERATIONS AT W. W. MOORE, JR. DETENTION HOME AND APPROPRIATING SAME

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

BUDGET AMENDMENT - AMENDING THE FY 2019 BAO FOR A GRANT TO PROVIDE FOR ELECTRONIC MONITORING AND OUTREACH DETENTION PROGRAMS AND CONTRACTED PRO-SOCIAL SKILLS GROUP AT W.W. MOORE, JR., DETENTION HOME

Upon **Motion** by Vice Mayor Vogler and **second** by Council Member Saunders an Ordinance entitled:

ORDINANCE NO. 2018-10.02

AMENDING THE FISCAL YEAR 2019 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 AND CONTRACTED PRO-SOCIAL SKILLS GROUP FOR THE CITY OF DANVILLE AT THE W. W. MOORE JR. DETENTION HOME AND APPROPRIATING SAME

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

Council Member Saunders noted, since 1995, the City has been receiving funds, asked if it was the first time the City received the \$86,000, and was the Outreach Detention Program component new. Director of W.W. Moore Jr., Detention Home Michelle Johnson explained the City has been receiving the amount of \$86,000 consistently. The Outreach Detention Program is not new, and has been consistent as well. Ms. Johnson explained they have always provided electronic monitoring and outreach detention; there was a third component, those have changed. They offer substance abuse education programs, mentoring and the AVB – Aggressors, Victims, Bystanders. Ms. Johnson explained the social skills group they offer is contracted through Danville Pittsylvania Community Services. Both programs, outreach and electronic monitoring, are very similar except for the ankle bracelet. They have workers that do home and school visits to make sure they are attending school and not having behavioral issues. If they are employed, the worker will go to the job site and check to make sure they are reporting to work. On Outreach Detention, they can also impose a curfew so they have to be in the house at a certain time; it depends on what is recommended by the probation officer and what is ordered by the Judge.

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COMMUNICATIONS

City Manager Ken Larking noted a number of people spoke to Council this evening regarding flooding on their property. With respect to the Apple Branch area, Public Works has hired Mattern and Craig, a consulting firm to help evaluate the issue and see if there is anything the City can do within its area of responsibility to help alleviate the problem. The City is in the process of applying for a FEMA disaster mitigation grant that will be used to help make any improvements necessary; the City does not know how successful it will be with that. The City has also been reaching out to private property owners to request that whatever area of Apple Branch they own, because a lot of Apple Branch is on private property, if some debris or vegetation can be cleared, they would ask that be done which may help some with the flow of water. The City is taking steps to try and address this issue ahead of a future occurrence. There was a lot of rain in a short period of time, and a flash flood warning was issued before it happened. That is the nature of flash floods, a lot of rain trying to get to one place, at one time, and not enough volume capacity in the creek or the pipes that lead to the river; the water is going to back up. Mr. Larking noted they will present the final report from Mattern & Craig to Council sometime in January.

ROLL CALL

Council Member Saunders thanked the City Manager for his report with regard to the flooding. Mr. Saunders noted he hoped that Council declared a State of Emergency, and hopes that will qualify the City for State and other resources, and help to pay for some of the things that needs to be done. Mr. Saunders stated he does not know what can be done to fix the drain and water problem; he has spoken with engineers and they are looking at what can be done. Mr. Saunders noted he appreciated management and staff for looking into this. With regards to agencies helping the young people and keeping them out of trouble such as Hoops Don't Shoot, there are many churches in the community supporting this.

Council Member Shanks noted regarding the flooding, he believes there have been seven unusual storm events this year, and the last one was the worst, with some people saying that six to ten inches of water fell. In magnitude, those are hundred year storms and there have been similar stories, with flooding affecting different watersheds. Hopefully, the study with Mattern & Craig will yield some results and have some type of stormwater management pond or something that can help store some of the water. Sometime back between 1994 and 1996, during Hurricane Fran, he believes the City received funding to purchase some properties along Water Street in the area that seems to continue to have problems. Mr. Shanks noted he does not know if that was a FEMA grant or whether there were other monies made available. The properties were purchased to move those people out of the flood plain and would like staff to look into what program that was. Mr. Shanks noted he had the opportunity to go to the 100 year anniversary of Calvary Baptist Church and he enjoyed it very much.

Vice Mayor Vogler noted that Danville is in the midst of a national competition by National Geographic and American Express; they have chosen twenty cities to compete. If the City ends up in the top ten in voting, they will receive \$150,000 in grant money for the particular project that the community put forward. For Danville, it is a great project the River District Association put forward for North Union Street; Mr. Vogler encouraged citizens to vote.

Council Member Campbell noted his agreement with Mr. Vogler, all citizens should vote, it is a very important project. Mr. Campbell noted they are praying for all the families affected by the flooding.

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Mayor Jones encouraged citizens to text votedan to 555888. Mayor Jones thanked the members of Council for all they do as well as the staff.

Council Member Miller noted Council was at VML this week and one of the topics they heard about was the opioid crisis. Pittsylvania County, Martinsville and 27 other localities are joining a lawsuit against the manufacturers. The crisis costs localities a lot of money with community services, drug rehab, and loss of workforce. Dr. Miller noted he would like to advocate Danville strongly consider joining the national lawsuits of the cities, towns and counties because of the damages incurred over the past several years. Another talk he attended was on energy; less than 5% of Virginia energy is renewable, and the power companies have pledged to increase their renewable investments. They complemented Danville on its three solar projects and Jason Grey on what he has done.

The meeting adjourned at 8:17 p.m.

APPROVED:

s/Alonzo L. Jones
MAYOR

ATTEST:

s/Susan M. DeMasi, CMC
CITY CLERK

Approved: November 8, 2018