

August 20, 2019

The Second Regular August meeting of the Danville City Council was held on August 20, 2019, 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, Adam J. Tomer, Vice Mayor J. Lee Vogler, Jr., and Madison J.R. Whittle (9). *Mr. Saunders left the meeting at 8:22 p.m.*

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.

Mayor Jones presided.

INVOCATION AND PLEDGE OF ALLEGIANCE

The Invocation was given by Fred O. Shanks, III, followed by the Pledge of Allegiance to the Flag.

COMMUNICATIONS FROM VISITORS

No one desired to be heard.

CONSENT AGENDA

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

Minutes of the Regular Council Meeting held on July 16, 2019. Draft copies of the Minutes had been distributed prior to the meeting.

Amending the Fiscal Year 2020 Budget Appropriation Ordinance for a Virginia Commission for the Arts Grant

An Ordinance entitled, Ordinance No. 2019-08.04, presented by its First Reading on August 8, 2019, Amending the Fiscal Year 2020 Budget Appropriation Ordinance to Provide for a Virginia Commission for the Arts Grant in the Amount of \$4,500, and to Provide for the Local Share in the Amount of \$5,000 for a total Grant of \$9,500.

Amending the Fiscal Year 2020 Budget Appropriation Ordinance for a National Recreation and Parks Grant

An Ordinance entitled, Ordinance No. 2019-08.05, presented by its First Reading on August 8, 2019, Amending the Fiscal Year 2020 Budget Appropriation Ordinance to Provide for a National Recreation and Parks Association Grant Award in the Amount of \$110,000.

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

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NEW BUSINESS

AMENDING CHAPTER 32 OF THE DANVILLE CITY CODE FOR THE EMPLOYEE RETIREMENT SYSTEM

Vice Mayor Vogler **moved** for adoption of an Ordinance entitled:

ORDINANCE NO. 2019-08.07

AMENDING CHAPTER 32, ENTITLED "RETIREMENT SYSTEM" OF THE CODE OF THE CITY OF DANVILLE, VIRGINIA, 1986, AS AMENDED IN ORDER TO UPDATE AND REFLECT THE REQUIRED CONTRIBUTIONS OF NEW EMPLOYEES TO THE "EMPLOYEES' RETIREMENT SYSTEM OF THE CITY OF DANVILLE, VIRGINIA" HIRED ON OR AFTER SEPTEMBER 1, 2019.

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

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

CONSIDERATION OF AUTHORIZING THE ISSUANCE OF BONDS OF THE CITY OF DANVILLE, VIRGINIA IN THE AMOUNT OF \$16,000,000

Mayor Jones opened the floor for a Public Hearing regarding the Issuance of Bonds in the City of Danville. Notice of the Public Hearing was published in the *Danville Register & Bee* on August 5, 2019 and August 12, 2019. No one present desired to be heard and the Public Hearing was closed.

Upon **Motion** by Council Member Buckner and **Second** by Council Member Saunders, an Ordinance entitled:

ORDINANCE NO. 2019-08.08

AUTHORIZING THE ISSUANCE OF BONDS OF THE CITY OF DANVILLE, VIRGINIA, IN THE MAXIMUM AGGREGATE PRINCIPAL AMOUNT OF \$16,000,000 TO FINANCE THE ACQUISITION, CONSTRUCTION AND EQUIPPING OF VARIOUS CAPITAL PROJECTS AND DECLARING THE CITY'S OFFICIAL INTENT TO REIMBURSE EXPENDITURES WITH PROCEEDS OF A BORROWING.

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

PUBLIC HEARING – CONSIDERATION OF APPROVAL OF A LEASE AGREEMENT WITH FLY HIGH INC.

Mayor Jones opened the floor for a Public Hearing regarding a Lease with Fly High Inc. Notice of the Public Hearing was published in the *Danville Register & Bee* on August 12, 2019.

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Mayor Jones recognized Airport Commission Chairman Jesse Barksdale who noted the Airport Commission evaluated proposals from interested firms to provide aviation services at the Airport. The Commission helped develop and weight the criteria used to consider proposals, with assistance from the Aviation Consultant. The criteria used to score the proposals included overall experience, business, marketing, customer service, financial and safety plans, and compensation to the City. While he abstained from scoring proposals and participating in interviews due to his affiliation with Averett's Board, the Airport Commissioners did unanimously score Fly High Incorporated on their proposal and interview; their score was the highest. Based on input received from members of the Commission and the Aviation Consultant, the Danville Regional Airport Commission recommends that Danville City Council should execute a lease with Fly High Incorporated to provide FBO services at the Danville Regional Airport.

Mayor Jones recognized the following people who spoke in favor of General Aviation or General Aviation and Averett University:

Ralph Alderson, Sutherlin, Virginia.
Bill Carter, Yanceyville, Virginia, Caswell County Commissioner.
Brian Johns, Efland, North Carolina.
Tom Julio, South Boston, Virginia.
Keith Ashworth, Danville, Virginia. (Pittsylvania County)
Richard Bailey, Pittsylvania County, Virginia.
Karen Hayes, Danville, Virginia. (Pittsylvania County)
Elizabeth Rembold, owner with her husband Mike, of General Aviation.
Paul Gentry, Danville, Virginia.
Anna Grace Hayes, Danville, Virginia (Pittsylvania County)
Michael Luffman, Danville, Virginia
Chris Moore, speaking on behalf of J.R. Atkinson, Danville, Virginia
Elizabeth Barker, Ringgold, Virginia
Ronald Ball, Alton, Virginia
Jeremy Bowman, Alton, Virginia

No one further desired to be heard and the Public Hearing was closed.

Council Member Tomer **moved** to table the Resolution entitled:

RESOLUTION NO. 2019-08.07

AUTHORIZING AND APPROVING A LEASE AGREEMENT FOR AIRPORT FACILITIES BETWEEN THE CITY OF DANVILLE AND FLY HIGH DANVILLE, INC. TO PROVIDE FIXED BASED OPERATOR SERVICES AT THE DANVILLE REGIONAL AIRPORT.

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

Council Member Miller noted he would be in support of tabling this motion. A presentation was given to Council, the plan from Averett and the Rembolds had no transition and he did not think it was a very good plan. He was very disappointed as he very much wanted Averett to become the FBO. If they put together something with a firm transition to Averett, not just sometime in the future, it would be good for Council to hear. Council does not need all the stories and anecdotes, they need to hear the facts. They have to do what was best for the

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future of the City. They need to hear from Fly High and Averett and how they plan to make the airport grow; he does not believe the airport was growing.

Council Member Tomer noted that was what he was hoping for. During his time on Council, he rarely voted against a Commission; he feels that Council appoints the Commission, they work hard and make educated decisions. In this case, he was not voting against them, he came here with the notion of voting in favor of Fly High, but thinks Council deserves the chance for both entities to present to them, not through an intermediary, and let them make the decision based on their presentation, what the transition would look like, how it would be managed. The Commission had a strong vote in favor of Fly High; he supports the Airport Commission, but thinks this was too important a decision and that is why he made the Motion.

Council Member Shanks noted this has been a long, drawn out process. He has many friends and acquaintances in the room tonight, and watching on TV. He felt it was necessary to explain to them and the citizens of Danville that this was a very difficult matter and, like most disagreements, there are two sides to every story. Mr. Shanks stated he was a small business owner and truly an advocate for protecting local businesses. He was also a big fan of the Rembolds and General Aviation. He would like to request two speakers and would like to be able to follow up each speaker. Regardless of how the vote turns out, this information was where the City has been for two and half to three years, and it should be public. Mr. Shanks requested Marc Adelman, Director of Transportation, address Council.

Mr. Adelman noted Mr. Shanks had requested he provide Council with an updated summary regarding the status of how the City got to this point. For a six month period in April 2016, lease discussions were completed with General Aviation Incorporated, however these discussions did not lead to the execution of a lease. A Request for Proposals was issued in December of 2016 and proposals were received in March 2017. Two proposals were received at that time, one from General Aviation and one from Averett University. The Airport Commission at that time recommended Averett University be offered the lease to provide aviation services at the Airport. The FBO Committee was appointed by the Mayor in 2017 which reviewed the Commissions' recommendation. This Committee met during the late spring and summer of 2017 and generated some recommendations. One, they recommended extending the lease with General Aviation through June 2019 which was done. Two, issue a new RFP prior to the expiration of the extended lease, which occurred in January 2019. The Committee also recommended that the next RFP, that was issued in January, should not specify the rental rate that would be required. An aviation consultant was selected, Ron Price who was here tonight, to assist with the development of the RFP in conjunction with the Commission, market the RFP to prospective candidates and assist with the evaluation process. Based on the RFP that was issued in January, proposals were due on March 1, 2019 and in May, the Airport Commission recommended Fly High Incorporated be provided the lease. Mr. Shanks thanked Mr. Adelman and questioned for clarification, the reason why the first RFP was sent out was because the City could not get a contract and Mr. Adelman noted that was correct, they had discussions, and negotiated different fee terms for a six month period. The City could not come to an agreement, so an RFP was issued.

Mr. Shanks noted, when the first RFP for a Fixed Base Operator was advertised, received and scored, he truly believed the scoring mechanism was possibly slanted against the Rembolds, and argued against the Airport Commission's recommendation to replace General Aviation in the 2016-2017 timeframe. On April 18, 2017, Mayor Gilstrap appointed him to Chair a committee to consider the Airport Commission's recommendation to not renew the City's Contract with General Aviation. That Committee consisted of Council Members Gary

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Miller and himself, and appointed citizens Mildred Richardson, Peter Howard and Paul Liepe. The Committee met May 18, May 30, June 24, June 28, July 11 and September 27. On May 30th, presentations were made by General Aviation and Averett; June 21st, presentations were made by Transportation Director Marc Adelman, the Airport Commission Chair and other members of the Airport Commission. On June 28th, public comments were received from the Danville Regional Airport stakeholders, and on July 11th, the Agenda was to discuss findings and to develop a recommendation. Late in the day of July 11th, the Committee was informed of a negotiated settlement regarding employment and/or business/asset transition between General Aviation and Averett. In the hopes that would come true, the Committee agreed to recommend to City Council that time be allowed for that process to be complete. Should they not materialize, that the Mayor's Committee would be charged with coming forward with a recommendation. On September 27th, there was no agreement between Averett and General Aviation, so the Committee recommended to City Council to extend the contract with General Aviation for a period of between 18 and 24 months and issue a new RFP prior to expiration of the new extended lease. That Committee voted 3-2 in favor of going back out for an RFP and extending the lease for 18 months. That was a compromise, and that compromise agreement of 3-2 from the Mayor's Committee went to City Council. On October 17, 2017, City Council voted 5-3 to confirm the Committee recommendation. Mr. Shanks noted that personally, he was not in favor of another RFP, but this was a compromise that allowed time for General Aviation to continue to operate, and time for all interested parties to prepare a formal proposal with emphasis on strengths and qualifications. It was not his desire to disparage anyone, but since people have chosen to take this path this evening, the facts should be available to all. There were 3-4 responders to the RFP, and General Aviation's proposal (and others) were far, far inferior to Fly High's proposal. Mr. Shanks noted at this point in time, he would like the opportunity to invite the consultant, Mr. Price, to the podium.

Mayor Jones recognized Ronald Price, the principal of QED, a consulting firm. Mr. Price explained he has been providing professional airport consulting services for forty-five years at airports all across the country and overseas, assisting other communities, state agencies, and nations on some of their aviation matters. For this particular project, his role was to help guide the Airport Commission in finding appropriate request for proposals that would be consistent with industry standards, to keep it to the facts. He tried to guide them to make decisions based on what was best for the City and keep emotions out of it. The first thing they did was to meet and discuss what would be the evaluation criteria used to evaluate the proposals. He wanted to do that first, because that takes any potential bias out of the process when the proposals came in. They identified a number of criteria, gave them weighted values, of how important one was against another; all the request for proposals contained that information. They wanted the people to review the RFP, understand how it was going to be evaluated and prepare the proposal in accordance with putting their best foot forward. The proposals came in, each member of the aviation commission reviewed and scored them independently, and sent the scores to him. They had a meeting where he presented what the cumulative scores were, had discussions and then it was decided there would be an interview process as well. The interviews were held, there were separate scores for the interview, and those scores were weighted at 65% of the total value. There were reference checks which he conducted, he advised the commissioners of the results of those reference checks and they were given 35% weight of the total. Mr. Price explained it was a numerical, quantifiable basis; to read the proposal, tell them what they think, does it meet their criteria, how well does it meet the criteria and what was best for the City.

Mr. Shanks stated to Mr. Price, based on the scoring that was compiled by him and the Airport Commission, there was no comparison in the scoring totals and Mr. Price noted there was a

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wide gap in the final scores. Mr. Shanks stated he went into the meeting Mr. Price was at on May 9th and had been told he would really like what he heard. He went into that meeting thinking Averett and General Aviation forged a final proposal and was surprised at that meeting. Mr. Shanks stated on May 9, 2019, City Council met with the Airport Commission in a joint meeting to hear the findings of the national consultant who handled the RFPs. After the closed meeting, the Airport Commission voted 5-1, with one abstention, to recommend Fly High Inc., for FBO services. As of that time, City Council had heard the results from the national consultant, heard the Airport Commission's 5-1 vote, and was aware the next step was to draw up the lease and any other contractual matters with Fly High Inc. If there was any concern by Council Members regarding this 3 month "next step," it should have been expressed there and then. It was his belief that at the end of that meeting, the matter was resolved once and for all. While it was painful, he believes they have given the current FBO numerous chances to provide a strong proposal based on their experience, business model, and qualifications. This was not necessarily where he had hoped it would end, but it was a thorough process intended to achieve the best outcome for the citizens of Danville. To his friends and others who are disappointed in him on this matter, he can assure them this was not the outcome he was hoping for, but it was the best outcome for the City. To his fellow Council Members, he hopes they will consider the thorough, costly and lengthy process and do what they essentially decided to do in May. Council left that meeting with little doubt about the path they needed to take. It was easy to cave in when this room was full, but it shows strength, dedication and commitment to the community, to acknowledge the facts and respond accordingly. Mr. Shanks noted this was the most difficult thing he does on City Council, but he was trying to do the right thing.

Council Member Buckner noted his feelings on this have not changed since their meeting on May 9th. In 1859, a small business was started called Averett University; in 1948, another local business called General Aviation was started in Danville. Mr. Buckner noted he was fully intent on supporting Averett University and General Aviation to continue running the FBO. Council asked them to work out a deal together and was glad they did. Mr. Buckner stated he will be supporting Averett University and General Aviation.

Vice Mayor Vogler noted he came into this meeting with every intention of supporting General Aviation and Averett; with all that he has heard tonight, his position has only been strengthened. About a year and half ago, several members of City Council said, wouldn't it be great if General Aviation and Averett could come together, that would be the ideal situation. At that time, it seemed very unlikely, but somehow it happened; they did what Council asked them to do. Council was not given the presentation directly, but were given the synopsis of the presentations. He has no doubt Fly High gave a wonderful presentation, and are sure they are a great company, but Council heard from a number of people tonight speaking to an exceptional level of customer service. Council heard tonight about an exceptional local small business that has been here for decades; the City also has an exceptional institution in Averett University. Mr. Vogler noted he was in favor of General Aviation and Averett operating the FBO. If this Tabling motion was the way to ultimately get Council there, he will vote in favor of that tonight. He will not support Council abandoning a great local business to take a chance on an out of state company.

Council Member Saunders noted he does not like the appearance of flip flopping, and he was talking about himself. At the first presentation, he opposed it, and it went back to the group. The second presentation came back to Council and he changed his vote at that meeting. The third presentation came to Council and he listened to the presentation from the consultant that the City hired; in his view, it was clear who the contractor would be. Also, it was his belief that

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the Airport Commission did a very good job looking at this. Mr. Saunders stated he applauds General Aviation, their supporters and the speakers for saying what they believe. Council has been going back and forth on this for a long time and at some point they need to make a decision. He came prepared tonight to make that decision and has not heard anything presently that has changed his mind. At the very beginning, there was no relationship with General Aviation and Averett. At the second meeting, there was the impression that there was, thought that was great and hopes they will continue to work together. Mr. Saunders stated he was thinking about the presentation made to Council by the consultant, and to him, it was very clear in terms of what the outcome of the bids were. His mind has not changed.

Council Member Campbell stated he appreciates every citizen that was here, and appreciated Council Member Shank's expressing his view point. Reverend Campbell noted he was voting to take this up in work session one more time, that it could be clearly stated and a decision could be wisely made in light of the citizens here tonight, expressing their concern for the family business for years of service to the community.

Mayor Jones noted he appreciates all the citizens have done and the courtesy and kindness in the way they have done it. He wanted to say thank you to Ms. Barker, to hear her comments about her father, about what she has seen and what she heard her father was going through and has been through. Mayor Jones noted his agreement with some Council Members on what has been said, and concurs with everything that has been said because he spent nineteen years at Averett University and knows what they are capable of doing. One way or another a decision has to be made. Whatever the vote was and whatever happens with this motion to table, he just wants to prepare all of them that there will be a vote if this motion fails. Mayor Jones recognized Marc Adelman for his hard work and thanked him, the Airport Commission and the consultant.

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

VOTE: 7-2
AYE: Buckner, Campbell, Jones, Miller,
Tomer, Vogler and Whittle (7)
NAY: Saunders, Shanks (2)

Mayor Jones asked the City Manager and staff to work on a Special Work Session for the Rembolds, Averett University, and Fly High. Council Member Saunders noted he needed to leave; he was Vice President of the Road Soldiers Motorcycle Club, had received word that one of his members passed away from a motorcycle accident and wanted to go support the family.

PROVIDING A MORAL OBLIGATION TO VIRGINIA BANK & TRUST FOR 145 CANE CREEK BOULEVARD

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

RESOLUTION NO. 2019-08.08

AUTHORIZING AND APPROVING EXECUTION OF A MORAL OBLIGATION AGREEMENT BY AND BETWEEN THE CITY OF DANVILLE, VIRGINIA AND VIRGINIA BANK AND TRUST COMPANY.

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

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

AUTHORIZING THE CITY OF DANVILLE TO ENTER INTO A TURN-BACK AGREEMENT WITH TRANSCO

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

RESOLUTION NO. 2019-08.09

APPROVING AND AUTHORIZING THE CITY OF DANVILLE, VIRGINIA TO ENTER INTO A TURN-BACK CAPACITY AGREEMENT WITH THE TRANSCONTINENTAL PIPELINE COMPANY, LLC.

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

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

CONSIDERATION OF AMENDING THE FISCAL YEAR 2020 BUDGET APPROPRIATION ORDINANCE TO PROVIDE FOR ADDITIONAL FEDERAL AND STATE AVIATION FUNDING

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

ORDINANCE NO. 2019-08.09

AMENDING THE FISCAL YEAR 2020 BUDGET APPROPRIATION ORDINANCE TO PROVIDE FOR ADDITIONAL FEDERAL AND STATE AVIATION FUNDING FOR MULTIPLE CONSTRUCTION PROJECTS AT THE DANVILLE REGIONAL AIRPORT IN THE AMOUNT OF \$4,104,325 AND FOR THE LOCAL SHARE IN THE AMOUNT OF \$282,664.65 TO BE PROVIDED FROM REPROGRAMMED FUNDS TRANSFERRED FROM VARIOUS PROJECTS AND APPROPRIATING THE SAME.

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

COMMUNICATIONS

There were no communications from the City Manager, Deputy City Manager, or City Clerk. City Attorney Clarke Whitfield noted his office has done extensive research regarding the bullying issue and will be ready to present some of that soon. They will provide foster care

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worker training for court; foster care workers sometimes have to go to court, and sometimes it was unfamiliar to them. They are also beginning to look at a recodification of the City Code; there are a number of things that have expired, others need to be changed and condensed.

ROLL CALL

Council Member Tomer thanked everyone for their kind comments, he was absent from the last Council Meeting, and in the hospital at that time. Things are going well and so far the prognosis looks good. He wanted to thank Council, citizens and family; they have been fantastic.

Vice Mayor Vogler thanked everyone who came tonight, especially those who got up to speak, it was not always easy to do. Mr. Vogler welcomed Mr. Tomer back to Council.

Council Member Whittle noted he was glad to see Mr. Tomer back and looking well.

Council Member Buckner noted his congratulations to Chief Booth and his team, assisted by the Virginia State Police with Operation Safe Street, resulting in 97 felony arrests and nearly \$50,000 in drugs taken off the streets. This weekend at the Virginia International Raceway was the Enzo Series; this was the 50th year running this race. Mr. Buckner noted it was great to see Dr. Franks and Mr. Rawley, and welcomed back Mr. Tomer.

Council Member Campbell welcomed Mr. Tomer back to Council.

Council Member Miller welcomed Mr. Tomer back, and wished Mr. Saunders a Happy Birthday. Dr. Miller stated that Botetourt County broke ground for a new elementary school as well as Nelson County. Danville has not built a new school in thirty years and they need to put some money into their schools.

Mayor Jones invited Dr. Franks to update Council about Averett. Dr. Franks explained students are returning and new students are starting; they have students coming from fourteen countries and twenty states. Approximately forty businesses participated in a welcoming expo. Dr. Franks thanked Council for their support.

Mayor Jones recognized the City employees and noted Council appreciates everything they do.

The meeting adjourned at 8:30 p.m.

APPROVED:

s/ Alonzo L. Jones
MAYOR

ATTEST:

s/ Susan M. DeMasi, CMC
CITY CLERK