



## DANVILLE CITY COUNCIL REGULAR MEETING AGENDA

### MUNICIPAL BUILDING

**August 4, 2020**

**7:00 P.M.**

**PRESIDING:** Alonzo L. Jones, Mayor

**CITY COUNCIL MEMBERS:** James B. Buckner  
L.G. "Larry" Campbell, Jr.  
Samuel A. Kushner  
Barry P. Mayo

Dr. Gary P. Miller, Vice Mayor  
Sherman M. Saunders  
J. Lee Vogler, Jr., Vice Mayor  
Madison J. Whittle

**STAFF:** Ken F. Larking, City Manager  
Earl B. Reynolds, Jr., Deputy City Manager

W. Clarke Whitfield, Jr., City Attorney  
Susan M. DeMasi, City Clerk

The City Council is the City of Danville's legislative body and is composed of nine Council members. Council members are elected to serve a four year term of office and elects one of its own to serve as Mayor and presiding officer for a two year term.

#### Time and Place of Meeting

The public is invited and encouraged to attend and participate in the City Council meetings. The City Council meets in the City Hall, Fourth Floor, Council Chambers at 7:00 p.m. on the first and third Tuesday of each month. All meetings of the Council are open to the public.

#### Communications from Visitors

*Communication from Visitors* is an opportunity for citizens to address Council on matters not on the agenda. Citizens who desire to speak on agenda items will be heard when the agenda item is considered. Each speaker shall clearly state his or her name and address. Each individual speaker shall have five uninterrupted minutes. A representative of a group may have up to ten uninterrupted minutes to make a presentation. The representative shall identify the group and a group may have no more than one spokesperson. Time will be kept using the electronic timer on the podium.

#### Guidelines for Public Hearings

For Public Hearings the applicant or his or her representative shall be the first speaker(s). There shall be a time limit of ten (10) minutes for the applicant's or his or her representative's presentation. The presiding officer shall then solicit comments from the public, asking those in favor of the proposal to speak first, and then those opposed to the proposal. Each speaker must clearly state his or her name and address. There

shall be a time limit of three (3) minutes for each individual speaker. If the speaker represents a group, there shall be a time limit of five (5) minutes. A speaker representing a group shall identify the group at the beginning of his or her remarks. A group may have no more than one spokesperson. The presiding officer may limit or preclude comment which is repetitive, redundant, cumulative, or irrelevant to the subject of the public hearing. After public comments have been received, in a land use case, the applicant or the representative of the applicant, at his or her discretion, may respond with a rebuttal. There shall be a five (5) minute time limit for rebuttal.

***Due to ongoing concerns related to COVID-19, the City of Danville will continue to accept comments for Communications from Visitors and for Public Hearings via their on-line portal at: [danvilleva.gov/council](http://danvilleva.gov/council) or by phone using this number: (434) 857-3348, until further notice. Comments submitted via these formats will be collected and distributed to all City Council members, and published with the minutes of the August 4, 2020 meeting. Comments will be collected through August 3, 2020 5:00 p.m.***

## **MEETING CALLED TO ORDER**

## **ROLL CALL**

## **INVOCATION - Vice Mayor Gary P. Miller**

## **PLEDGE OF ALLEGIANCE TO THE FLAG**

## **COMMUNICATIONS FROM VISITORS**

*Citizens who desire to speak on matters not listed on the agenda will be heard at this time. Citizens who desire to speak on agenda items will be heard when the agenda item is considered.*

## **MEETING MINUTES**

- A. Consideration of Approval of Minutes from the Inaugural Meeting held on July 1, 2020, and the Regular Council Meeting held on July 7, 2020.  
Council Letter Number CL - 2367.

## **NEW BUSINESS**

- A. Consideration of Vacating an Unused City Owned Easement in Pittsylvania County.  
Council Letter Number CL - 2345.
  - 1. Public Hearing
  - 2. A Resolution Authorizing the Abandonment of an Unused City Easement across Property in Pittsylvania County in Order to Secure a New Easement in a Better Location upon the Same Property.
- B. Consideration of Requesting and Petitioning that a Referendum be held on Casino Gambling in the City of Danville.  
Council Letter Number CL - 2373.

A Resolution Requesting and Petitioning that a Referendum be held on the Question of Whether Casino Gaming Shall be Permitted within the City of Danville at 1100 West Main Street, Danville,

Virginia 24541 (Former Dan River Mills Schoolfield Division Site).

- C. Consideration of Amending the Fiscal Year 2021 Budget Appropriation Ordinance to Provide for a Virginia Commission for the Arts Grant in the Amount of \$4,500.  
Council Letter Number CL - 2357.

An Ordinance Amending the Fiscal Year 2021 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.

**FIRST READING**

- D. Consideration of Amending the Fiscal Year 2021 Budget Appropriation Ordinance for Funds from the Danville Regional Foundation in the Amount of \$37,187.50.  
Council Letter Number CL - 2370.

An Ordinance Amending the Fiscal Year 2021 Budget Appropriation Ordinance by Increasing Revenues from Danville Regional Foundation in the Amount of \$37,187.50 for the Study on the Use of Potential Casino Revenue and Appropriating the Same.

**FIRST READING**

**COMMUNICATIONS FROM:**

- A. City Manager
- B. Deputy City Manager
- C. City Attorney
- D. City Clerk
- E. Roll Call

**ADJOURNMENT**

# Council Letter

## City of Danville, Virginia



**CL-2367**

**Meeting Minutes A.**

**City Council Regular Meeting**

**Meeting Date:** 08/04/2020

**Subject:** Consideration of Approval of Meeting Minutes

**From:** Susan M. DeMasi, City Clerk

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### **COUNCIL ACTION**

Business Meeting: 08/04/2020

### **SUMMARY**

Consideration of Approval of Minutes from the Inaugural Meeting held on July 1, 2020, and the Regular Council Meeting held on July 7, 2020.

Council Letter Number CL - 2367.

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### **Attachments**

Meeting Minutes

Meeting Minutes

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The Inaugural Meeting of the Danville City Council was held on July 1, 2020 at 12:00 p.m. in the Council Chambers located on the Fourth Floor of the Municipal Building. The following Council Members were present: James B. Buckner, Alonzo L. Jones, Barry P. Mayo, Gary P. Miller, Sherman M. Saunders, J. Lee Vogler and Madison J.R. Whittle (7). L. G. "Larry" Campbell Jr., was absent (1).

Staff Members present were: City Manager Ken Larking, Deputy City Manager Earl B. Reynolds, Jr., City Attorney W. Clarke Whitfield Jr., Assistant City Attorney C. Ryan Dodson, and City Clerk Susan M. DeMasi.

City Clerk Susan DeMasi called the meeting to order, welcomed everyone in attendance and introduced Assistant City Attorney C. Ryan Dodson who gave the Invocation. The Pledge of Allegiance to the Flag followed.

### **PRESENTATION OF ELECTION CERTIFICATES**

City Attorney Clarke Whitfield presented Certificates of Election to Council Members Barry P. Mayo, Sherman M. Saunders, J. Lee Vogler, Jr., and Madison J.R. Whittle, certifying their election on May 20, 2020, for four-year terms commencing July 1, 2020 and ending June 30, 2024.

### **OATHS OF OFFICE**

Ms. DeMasi administered the Oath of Office to Mr. Mayo, Mr. Saunders, Mr. Vogler and Mr. Whittle. (Clerk's Note: A copy of the oaths are attached to, and made a part of these minutes).

### **ELECTION OF MAYOR**

The next order of business was the election of Mayor for a two-year term commencing July 1, 2020 and ending June 30, 2022. Ms. DeMasi turned the floor over to City Attorney Clarke Whitfield to conduct the elections. Mr. Whitfield congratulated the re-elected and the newly elected Council Members, and opened the floor for nominations for Mayor.

Council Member Saunders nominated Alonzo L. Jones for Mayor. Council Member Saunders noted, *the world has changed, there are other unknowns ahead. For such a time as this, we need a proven leader. It is a pleasure to nominate that leader, the Honorable Alonzo Jones, as Mayor of the City of Danville, Virginia for another term, July 1, 2020 through June 30, 2022. Mayor Jones continues to serve our City extremely well. He continues to prove that he cares about all of our citizens and will go to any length to help them in any way he can. I also believe he has earned and continues to have the respect and the support of Council Members. He is a Danville native, he attended Danville Public Schools and Colleges. He is a former member of the Danville School Board. He served as Vice Mayor of Danville. He served our country in the United States Army. He is a father of great children. He is dependable and loyal to our City. He has been tested and proven that he is the leader, again, for such a time as this.*

There were no further nominations for Mayor and the nominations were closed.

Council Members voting for Mr. Jones were: Mr. Buckner, Mr. Jones, Mr. Mayo, Dr. Miller, Mr. Saunders, Mr. Vogler and Mr. Whittle.

Alonzo L. Jones was elected to serve as Mayor for a two year term commencing July 1, 2020 and ending June 30, 2022.

### **ELECTION OF VICE MAYOR**

Mr. Whitfield opened the floor for nominations for Vice Mayor for a two-year term commencing July 1, 2020 and ending June 30, 2022.

Council Member Saunders stated, *it is true that teamwork makes the dream work. Together, our City will make even more progress by being led by people of like minds. People who truly respect each other and are proven leaders. It is an honor to nominate the Honorable Dr. Gary Miller as Vice Mayor, for the City of Danville, Virginia for the term of July 1, 2020 through June 30, 2022. Dr. Miller has lived in our City for thirty-one years. He has been a member of Danville City Council for twelve. Dr. Miller continues to build upon his contributions to our City. He served previously as Vice Mayor of our City. After graduating from high school, Dr. Miller took a job as an orderly/custodian in his hometown hospital. His co-workers saw leadership ability in him and encouraged him to go to med school to further his education. Dr. Miller listened and today he continues to be a practicing cardiologist in our City. He is a former classroom schoolteacher. He co-chaired City Council's race relations committee. He is very active in City Council's three priority areas: Growing Danville, Reducing Crime and Improving Education. Dr. Miller led the Council to build the new fire department located on Lynn Street, an active member of Danville Public Schools Compact Committee, and was heavily involved in protecting our City during the Coal Ash Spill, and was very active to get Danville citizens the opportunity to decide if they want a casino or not. He is a very strong supporter of the Police Department. He secured and gave away over 2,000 masks during this pandemic. He will be a loyal partner to our Mayor and he will serve our City well.*

Council Member Whittle nominated Barry P. Mayo for Vice Mayor.

There were no further nominations for Vice Mayor and the nominations were closed.

Council Members voting for Dr. Miller were: Mr. Buckner, Mr. Jones, Mr. Mayo, Dr. Miller, Mr. Saunders, Mr. Vogler and Mr. Whittle.

There were no votes for Council Member Mayo for Vice Mayor.

Dr. Gary P. Miller was elected as Vice Mayor for a two-year term commencing July 1, 2020 and ending June 30, 2022.

### **DRAWING FOR COUNCIL SEATING**

The last item of business conducted by Ms. DeMasi and Mr. Whitfield was the drawing for Council Seating. Following the drawing, there was a brief recess while the Mayor, Vice Mayor and Members of Council assumed their respective seats.

Mayor Jones recognized the families of Council Members attending the Inaugural Meeting.

Mayor Jones noted, *The miracle of gratitude is that it shifts your perception to such an extent that it changes the world that you see.* – Dr. Robert Hogan

Mayor Jones thanked Council Member Saunders for the warm words and thoughts, noting Council Member Saunders has served the community for many years and he was one of the wisest of Council Members. Mayor Jones thanked him for the phone calls, and the many times he has reached out to Mr. Saunders. Mayor Jones noted he wanted to take this time to say there was much more to come. To Dr. Gary Miller, congratulations on his position, and

looked forward to serving with him. To his friend, and community partner, Vice Mayor Lee Vogler, thank you for the two years he was able to serve with him as he served as Vice Mayor, he appreciated that, thank you so much. Mayor Jones welcomed Barry Mayo and thanked all the City staff.

Mayor Jones noted, *over the past two years we have faced many challenges, and with the support of Council, staff, citizens and local partnerships, we weathered those storms. Our goal is to build on those partnerships and establish and possibly recruit new partners. Those partners will help move our City forward, keeping focus on our strategic goals: reducing violent crime, supporting education and growing Danville and partnerships. I will be asking Council, one of our first priorities as Mayor, to possibly rearrange the order of those strategies. Seeing a critical need for education, possibly moving partnerships to number one and education to number two. We have seen great reductions in crime and our city employees have done a superb job in growing Danville. Our challenge is education. I am going to ask Council to maybe move our priorities around because first, we have to have partnerships. We cannot do this education piece by ourselves. Having partners and establishing partnerships to help us get the educational system where it needs to be. Yesterday, we lost a superintendent who served us for five years. We have a brand new school board, many new members of school board start today. As you heard earlier, there are two members I asked to serve on the Education Compact and I'm asking them to stand, Council Member Saunders and Council Member Gary Miller. The wisdom that I have personally gained and obtained from these gentlemen standing here. As you heard mention before, I served on the School Board. This is a serious, serious issue in our committee. The Virginia Department of Education has a Memorandum of Understanding with our School system. Council Member Saunders and Council Member Miller have also been working with our school leaders and members of the Education Compact Committee. This Council, in agreement, is also asking the document that is before the School Board, that it also be titled: A Memorandum of Understanding Between the School Board and the City Council. The reason for that is because for so long, it has been stated, that is an elected body and this is an elected body. We have to put our personalities and our differences aside and work together. And I sincerely thank you both for working on the Committee. Mayor Jones recognized his family in attendance, and thanked them. Those first two years as Mayor, our family went through so much. The attacks that his family had to endure and the things they had to do during the first two years, he wanted to say to them, thank you very much. The people here in the audience, he wanted to say for his family, thank you for coming. Sherman Saunders, I'll never forget a council meeting, a particular individual attacked our family and he stood right there beside me, and the comforting words he gave me. Because we are all human, the Bible says, For all have sinned and have fallen short. That particular day I was being real short, because I love my family like everyone loves their family, and you stood with me and I thank you sir.*

### **ROLL CALL**

Council Member Buckner welcomed Mr. Mayo and noted he looked forward to serving with him. To Mayor Jones and Vice Mayor Miller, congratulations and he looks forward to serving with them as well.

Council Member Mayo noted he was glad this was over and was ready to go to work. It was an honor to be here and was ready to work for the citizens. This was a great group of people, and he has been looking forward to this. It was all about the work and improving the City, and helping the citizens; it was an opportunity he does not take for granted.

Vice Mayor Miller thanked Sherman Saunders for the nice words. Dr. Miller noted, *I love this City, but more than that, in the thirty years I have lived here, twelve years on Council, I have come to love the people of this City. There were some amazing, quite remarkable people who live and work here. Each of you have your own, all-star list of people you come to admire and respect. Ruby Archie, teacher, a wonderful person, Mayor of this City, she was my patient, just a wonderful person. Ed Polhamus; Ed was gone now, teacher, school board member, beloved little league commissioner. Harry Johnson, great basketball player, also my patient. Laurie Moran, you can't say anything that hasn't been said about Laurie, she was wonderful. Then there is Hampton Wilkins, Mr. Ambassador for Danville; Apostle Campbell and his family, the Wendell Scott family, Tiffany Franks of Averett, Alexis Earhart. Listen to this roll call of people who live here. Robbie Woodall, DLSC, what he's done for the City. Mike Moore, Mike got the residency program started at the hospital. If you are on a blood pressure medicine, Mike Moore helped write the guidelines for blood pressure medicine. He lives in this City. William Sweezer, world class surgeon. Karl Stauber at the Foundation, Kenny Lewis, all his work with the youth. Tony Tunstall and his wife Sheila, maybe all of you don't know them, they're our neighbors. He worked at Goodyear for thirty years; I don't think anybody in this room could work at Goodyear for thirty years and do what Tommy did. Tommy is now retired and we were hoping to get to some ball games together before COVID came; we go to basketball and football games together. He and his wife and Karen and I had a great weekend last December when we went down to the Belk Bowl for a game together. These are some of the great people, and you have your own list and could go on and on about people you respect and admire. Almost forgot the MVP of my list and she is sitting right out there, my wife Karen. She has put up with this for twelve years, all the telephone calls, where's Dr. Miller, I have a complaint about the City. She has put up with a lot, some nice calls, some not so nice calls. The point of this is, this is a great City and it has great people in it and that's what makes it a great city. I and my fellow Council Members are here, we pledge we are going to make it grow and prosper. And whether its coal ash or COVID 19 attacking our City, we are going to defend and support our City.*

Council Member Saunders noted a special thanks to all the voters who placed their trust in him and to those who considered him as well. Special thanks to his bride, Sandy and friends who have come today, Deborah Hairston, Barbara Witcher and Betty Brown, thank you so much for being here. Mr. Saunders stated he looked forward to serving they City for four more years of even more success. To Mayor Jones, he and the Vice Mayor were a wonderful team.

Council Member Vogler congratulated the Mayor and Vice Mayor, and thanked the voters, the people of the City of Danville for putting their trust in him to serve another term on Council. When he first ran eight years ago, he talked about being a voice for the people; he takes that to heart, and believes that every day. Mr. Vogler noted he's enjoyed his time on Council and was very excited about what they will do in the next few years. Mr. Vogler noted he and Mr. Mayo have already talked about how they would love to see the summer youths' job program come back to the City; that was something they would hear from them about soon. It was very successful in years past and thinks it could be successful and transformational to young people in the City and the City as a whole. Mr. Vogler thanked his family that were here today, his wife Blair, his son Kingston, his daughter Ava and his mom Rhonda. His dad was unable to be here, but he was thankful for his family, especially the last two years when he was serving as Vice Mayor. They have put up with a lot, and he was glad they were here today.

Council Member Whittle thanked Dr. Miller for serving, he was very involved in different boards and committees. Mr. Whittle thanked Ann for helping him with the election, and his mother; he was glad to be back on Council. To Mr. Mayo, it was a real quick curve to learn on, he

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was sure he would do well. He has seen Mr. Mayo work through different ministries in the past, has seen evidence of what he has done and he appreciates that.

Mayor Jones recognized Brenda Bowman who served as the former Chair of the Pittsylvania County Board of Supervisors. Mayor Jones noted the Governor has opened up Phase III and encouraged citizens to please wear their masks, stay six feet apart and not take this for granted. The numbers are going up and asked that people be safe and have a wonderful Fourth.

The Meeting adjourned at 12:39 p.m.

APPROVED:

\_\_\_\_\_  
MAYOR

ATTEST:

\_\_\_\_\_  
CLERK

July 7, 2020

The Regular July meeting of the Danville City Council was held on July 7, 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, Mayor Alonzo L. Jones, Barry P. Mayo, Vice Mayor Gary P. Miller, Sherman M. Saunders, J. Lee Vogler, Jr., and Madison J.R. Whittle (7). L.G. "Larry" Campbell Jr., 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

### **APPOINTMENTS**

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

#### **RESOLUTION NO. 2020-07.01**

APPOINTING SAMUEL A. KUSHNER AS AN INTERIM MEMBER OF THE DANVILLE CITY COUNCIL.

The Motion was **seconded** by Vice Mayor Miller and carried by the following vote:

|         |                                                                   |
|---------|-------------------------------------------------------------------|
| VOTE:   | 7-0-1                                                             |
| AYE:    | Buckner, Jones, Mayo, Miller,<br>Saunders, Vogler and Whittle (7) |
| NAY:    | None                                                              |
| ABSENT: | Campbell (1)                                                      |

City Clerk Susan DeMasi, swore in Mr. Kushner as the Interim Member of Danville City Council.

### **COMMUNICATIONS FROM VISITORS**

City Council received one comment submitted through the City's website. Transcripts of all messages received are distributed to Council Members and attached to the minutes of this meeting.

Mayor Jones recognized Bruce Hedrick, 25 Old Halifax Road, Danville, VA, who runs Southside Central and noted his displeasure with the Council appointment process to appoint the Interim City Council Member.

Mayor Jones recognized Tosha Chaffins, 250 Arnett Boulevard, who spoke against the Confederate flags flying in the City of Danville, and noted the elderly people would like to start going back to Bingo.

Mayor Jones recognized Cherie Tamson, 528 South Woodberry Avenue, who noted her disagreement with the appointment process for the Interim City Council Member, and stated she and her husband had supported Fred Shanks for that position.

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Mayor Jones recognized Tommy Bennett, new President of the Danville NAACP, who welcomed Mr. Kushner to Council. Mr. Bennett thanked the Council Members who attended the opening of the NAACP office, discussed their voter registration drive for the upcoming election and stated that the City needed to have a female on City Council.

Mayor Jones recognized Hart Whittle, 116 Walden Court, who noted his support of Fred Shanks to fill the Interim City Council seat.

Mayor Jones recognized Betty Collins, 401 Charles Street, who noted she put in an application at Seeland Crossing for an apartment and requested assistance with that.

### **MEETING MINUTES**

Upon Motion by Council Member Saunders and second by Council Member Buckner, Minutes from the Regular Council Meeting held on June 2, 2020 were approved as presented. Draft copies of the minutes had been distributed prior to the meeting.

### **NEW BUSINESS**

#### **VACATING A RIGHT OF WAY ON WESTMINSTER COURT**

Mayor Jones opened the floor for a Public Hearing regarding vacating a right of way on Westminster Court. Notice of the Public Hearing was published in the *Danville Register & Bee* on June 25, 2020 and July 2, 2020. No one present desired to be heard and the Public Hearing was closed.

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

#### **ORDINANCE NO. 2020-07.01**

VACATING APPROXIMATELY 0.06 ACRE OF PUBLIC RIGHT-OF-WAY ON WESTMINSTER COURT

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

VOTE: 7-0-1-1  
AYE: Buckner, Jones, Mayo, Miller,  
Saunders, Vogler and Whittle (7)  
NAY: None  
ABSENT: Campbell (1)  
ABSTAIN: Kushner (1)

#### **REZONING FROM OT-R OLD TOWN RESIDENTIAL TO "CONDITIONAL" HR-C HIGHWAY RETAIL COMMERCIAL, 215 ASH STREET**

Mayor Jones opened the floor for a Public Hearing regarding Rezoning at 215 Ash Street. Notice of the Public Hearing was published in the *Danville Register & Bee* on June 23, 2020 and June 30, 2020.

Mayor Jones recognized Dana Neilson, applicant, 40 East 760 North, American Fork, Utah. Ms. Neilson explained the kennel was built in 1965, has only ever been a kennel, and had thought

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she had sold it. She did not get a business license and it ended up going out of the grandfather clause; she was here before Council to try and get the zoning correct so she can get her business license, and run the business legally. There was no other purpose for the building; if the zoning was not changed and she did not get a special use permit, it will just be an empty building.

Mayor Jones recognized Paulette Dean, Old Piney Forest Road, Director of the Danville Area Humane Society, who spoke in favor of the rezoning. Ms. Dean stated the kennel does provide a service to the community, as the DAHS uses it to help when they have an overflow of animals.

Mayor Jones recognized Sarah Gentry, 204 Ash Street, who spoke in favor of the rezoning for the kennel noting there have never been any problems with the animals and she has no problem with the kennel being located there

Mayor Jones recognized Richard Kendrick, 211 Ash Street who explained his mother built the kennel in 1965 and operated it until the mid-eighties. It has served the Danville community well, taking very good care of the animals brought in to be boarded or groomed. The City doesn't need another empty building and the community needs the kennel

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

**ORDINANCE NO. 2020-07.02**

REZONING FROM OT-R OLD TOWN RESIDENTIAL DISTRICT TO "CONDITIONAL" HR-C HIGHWAY RETAIL COMMERCIAL DISTRICT, 215 ASH STREET (PARCEL ID# 73005), OTHERWISE KNOWN AS GRID 1807, BLOCK 003, PARCEL ID# 000049, OF THE CITY OF DANVILLE, ZONING DISTRICT MAP.

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

VOTE: 7-0-1-1  
AYE: Buckner, Jones, Mayo, Miller,  
Saunders, Vogler and Whittle (7)  
NAY: None  
ABSENT: Campbell (1)  
ABSTAIN: Kushner (1)

**GRANTING A SPECIAL USE PERMIT FOR A COMMERCIAL KENNEL AT 215 ASH STREET**

Mayor Jones opened the floor for a Public Hearing regarding a Special Use Permit at 215 Ash Street. Notice of the Public Hearing was published in the *Danville Register & Bee* on June 23, 2020 and June 30, 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. 2020-07.03**

GRANTING A SPECIAL USE PERMIT FOR A COMMERCIAL KENNEL IN ACCORDANCE WITH ARTICLE 3.M, SECTION C, ITEM 7 OF THE ZONING ORDINANCE OF THE CODE OF CITY OF DANVILLE, VIRGINIA 1986, AS AMENDED, AT 215 ASH STREET (PARCEL ID# 73005), OTHERWISE KNOWN AS GRID 1807, BLOCK 003, PARCEL ID# 000049, OF THE CITY OF DANVILLE, ZONING DISTRICT MAP.

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

VOTE: 7-0-1-1  
AYE: Buckner, Jones, Mayo, Miller,  
Saunders, Vogler and Whittle (7)  
NAY: None  
ABSENT: Campbell (1)  
ABSTAIN: Kushner (1)

#### **AUTHORIZING THE CITY MANAGER TO AMEND THE 2016 PSEG AGREEMENT**

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

##### **RESOLUTION NO. 2020-07.02**

AUTHORIZING THE CITY MANAGER TO AMEND THE 2016 PUBLIC SERVICE ENTERPRISE GROUP (PSEG) ELECTRIC CAPACITY HEDGE TO INCLUDE NEW TERMS FOR SCHEDULING THE CAPACITY WITHIN OTHER ZONES WITHIN THE PJM INTERCONNECTION SYSTEM.

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

Director of Utilities Jason Grey explained this item was to correct an unforeseen issue in the original agreement the City entered into in 2019; it will maintain the integrity of the original agreement. There were some zone changes within the PJM that will negatively impact the City; this was a financial amendment to the original that keeps the City whole.

Vice Mayor Miller asked Mr. Grey to remind citizens what was occurring during the next two weeks and Mr. Grey stated the City was in peak season. It had its highest peak yesterday and will probably pass that in the next few days, and certainly in the next few weeks as temperatures increase. They would remind citizens to help out with transmission capacity costs that are billed based on the City's highest peak hours of the year. Citizens can help reduce the costs for 2021, and the best time was between 2:00 p.m. and 6:00 p.m.: delay dishwashing, clothes drying, and turn the thermostat up a few degrees. This helps to reduce demand during those periods of time. If the City can lower their demand, it helps their power cost for the next year.

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

VOTE: 7-0-1-1  
AYE: Buckner, Jones, Mayo, Miller,  
Saunders, Vogler and Whittle (7)  
NAY: None  
ABSENT: Campbell (1)  
ABSTAIN: Kushner (1)

#### **CONSIDERATION OF FILING A WRIT OF SPECIAL ELECTION**

Council Member Buckner **moved** to adopt a Resolution entitled:

##### **RESOLUTION NO. 2020-07.03**

July 7, 2020

RESOLUTION OF THE COUNCIL OF THE CITY OF DANVILLE APPROVING AND AUTHORIZING THE FILING OF A PETITION OF SPECIAL ELECTION WITH THE CIRCUIT COURT OF THE CITY OF DANVILLE TO ELECT A PERSON TO FILL THE SEAT VACATED BY ADAM TOMER.

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

City Attorney Clarke Whitfield noted the way the Virginia Code reads, the Council was allowed to appoint someone, which they did, but to make the seat permanent and to fill the unexpired term of the person who left the seat, the City has to file a Writ of Election. The Court has to approve the election and the election should appear as a special election on the November 3<sup>rd</sup> ballot. That person would fill the balance of Mr. Tomer's term.

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

VOTE: 7-0-1-1  
AYE: Buckner, Jones, Mayo, Miller,  
Saunders, Vogler and Whittle (7)  
NAY: None  
ABSENT: Campbell (1)  
ABSTAIN: Kushner (1)

### **COMMUNICATIONS**

There were no communications from the City Manager, Deputy City Manager, City Attorney or City Clerk.

Council Member Whittle noted it was nice to see Senator Kaine in town yesterday, showing interest in the City's Federal Historic Tax Credit program; they would like to see some announcements coming through his office as soon as they can. Mr. Whittle stated he was also at the NAACP gathering, Tommy Bennett was the new president, and it was a good learning experience for him. The Danville Rotary Field of Honor was great, and he wanted to thank them for doing that.

Council Member Buckner welcomed Mr. Kushner and noted he looked forward serving with him.

Council Member Kushner noted he was very pleased to be joining Council and thanked them for expressing confidence in him. During the next four months, he doubts he will be able to do much harm and looks forward to working with them. Mr. Kushner noted a friend of his has been infected with COVID, there have been 151,000 deaths in the United States and by November they can expect to have 200,000. Mr. Kushner stated he believes the time has come for each person to do the right thing, do a little bit and wear their masks. Mr. Kushner introduced his wife Faye Kushner.

Council Member Mayo noted he got through his first meeting, welcomed Mr. Kushner and looked forward to working with Council, handling City business. Mr. Mayo noted kudos to Chief Booth and the police department for the good news of the crime rate down in Danville.

Vice Mayor Miller welcomed Mr. Kushner, and was glad to hear him talk about wearing masks. Dr. Miller stated he heard the average age of new cases in Florida was twenty-one years old. People need to do better wearing masks, keep social distancing and avoid large crowds. Dr. Miller welcomed Ty'Quan Graves, who was now Vice Chair of the School Board and congratulated Crystal Cobbs, the new Chair of the School Board. Dr. Miller noted he attended the opening of the NAACP's

July 7, 2020

new office in Danville, it was a great event; he has been a member of the NAACP for years. Parks and Recreation won another award, the Southeast Tourism award for two events, the Light Show and the Monster Mash.

Council Member Saunders thanked all the Council Members, it was a pleasure serving with them, and thanked them for what they do every day. Mr. Saunders welcomed Council Member Kushner and thanked Mr. Bennett for the opening of the new NAACP office, it was a grand event and noted he has been a member of the NAACP since he was five years old. Mr. Saunders thanked the residents for what they do every day, also to the first responders, and police officers as well.

Mayor Jones noted the Danville Police Department reported the lowest crime rate in five years. The new Vice Chair of the Danville School Board was in attendance, congratulations on his position; the School Board meeting was coming up and they should have information on the reopening of the schools. Mayor Jones stated Tommy Bennett has been very active in the community for a long time, he has always had a passion for Danville, and thanked him for his work, bringing people together in the community. Senator Kaine was in Danville, with staff, community members, and thanked them for representing the City. Mayor Jones thanked all those that spoke tonight, this was their Council and appreciated them for coming forth.

The meeting adjourned at: 7:58 p.m.

APPROVED:

\_\_\_\_\_  
MAYOR

ATTEST:

\_\_\_\_\_  
CITY CLERK

**Summary of comments received through the City's online public comment form and the public comment phone line for the July 7, 2020 City Council Meeting.**

City Council received one comment:

- One was related to a curb issue on Halifax Road

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Name: Gordon Lyles

Address: 1228 Halifax Road Danville, VA 24540

Comment Received: 6/19/2020 10:56 AM, via public hearing line

Comments: *Yes, this is Gordon Lyles. My address is 1228 Halifax Road, Danville Virginia. I know that this is an issue that Ken Larking could speak to as it is a matter of the Department of Public Works. I would like to ask or make a request to have a ramp instead of the curb/sidewalk, a ramp in between 1228 Halifax Road and 1232 Halifax Road because there are issues with myself and my neighbor pulling in to each driveway, so we would like to have a ramp put there instead of like the little curb. I appreciate it, hope y'all have a wonderful night and I will talk to you again later.*

# Council Letter

## City of Danville, Virginia



**CL-2345**

**New Business A.**

**City Council Regular Meeting**

**Meeting Date:** 08/04/2020

**Subject:** Vacating Unused County Utility Easement to Obtain Better Easement

**From:** W. Clarke Whitfield, Jr., City Attorney

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### **COUNCIL ACTION**

Business Meeting: 08/04/2020

### **SUMMARY**

The City needs to obtain an easement across a piece of land in the County to extend electrical service to new customers. The Parcel already has an existing, unused utility easement, however, it is not located where utilities can most effectively extend the power lines. The landowner has requested the City vacate the existing unused easement in exchange for granting the new easement where the City desires.

### **BACKGROUND**

The Utility Department needs to acquire an easement to extend power lines in the County to connect a new customer. The land where the easement is needed already has a City easement for utilities across it, however, the easement is not located where Danville Utilities needs for this new interconnection. The landowner is willing to grant an easement in the needed location provided that the City vacate its existing easement across the same property that is not, and has not been utilized. In order to vacate the unused easement, City Council must pass a resolution doing so.

### **RECOMMENDATION**

Staff recommends adoption of the attached resolution vacating the unused easement to allow Danville Utilities to obtain the new easement where needed.

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### **Attachments**

Resolution

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PRESENTED: \_\_\_\_\_

ADOPTED: \_\_\_\_\_

RESOLUTION NO. 2020-\_\_\_\_.\_\_\_\_

A RESOLUTION AUTHORIZING THE ABANDONMENT OF AN UNUSED CITY EASEMENT ACROSS PROPERTY IN PITTSYLVANIA COUNTY IN ORDER TO SECURE A NEW EASEMENT IN A BETTER LOCATION UPON THE SAME PROPERTY.

WHEREAS, the City of Danville desires to obtain a utility easement upon a Parcel of real property located in Pittsylvania County identified as Parcel No. 1368-07-8845 (the "Property") to expand its offered electrical service in the area; and

WHEREAS, the City of Danville already holds a permanent easement across the referenced parcel of real property that is not in use and is in a less ideal location for the City's needs; and

WHEREAS, the City has no future plans to install, maintain, or utilize the existing easement on the Property; and

WHEREAS, the owner of the Property wishes for the City to abandon its unused easement upon the Property in exchange for granting a new easement in the City's preferred location upon the Property.

NOW THEREFORE, BE IT RESOLVED, by the Council of the City of Danville, Virginia, that pursuant to Sections 15.2-1800 and 15.2-1813 of the Code of Virginia 1950, as amended, and in consideration of the public hearing this day held by Council, that the City hereby permanently vacates, abandons, and releases the easement across Pittsylvania County Parcel No. 1368-07-8845 identified in the attached Schedule "A"; and

BE IT FURTHER RESOLVED that the City Manager, Kenneth F. Larking, be, and he is hereby, authorized to execute on behalf of the City any and all documents as may be necessary to effect such abandonment of the easement.

APPROVED:

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MAYOR

ATTEST:

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CLERK

Approved as to  
Form and Legal Sufficiency:

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CITY ATTORNEY

**Schedule "A"**

A permanent easement approximately 10 feet wide and 25 feet long, located in Pittsylvania County, Virginia upon Parcel #1368-07-8845, beginning at Pole #29977 near 402 May Hardy Road, recorded in the Clerk's Office of the Circuit Court of Pittsylvania County, Virginia on May 20, 2020 by deed dated April 9, 2020 as Instrument #20-2287.

# Council Letter

## City of Danville, Virginia



**CL-2373**

**New Business B.**

**City Council Regular Meeting**

**Meeting Date:** 08/04/2020

**Subject:** Referendum on Casino Gambling

**From:** W. Clarke Whitfield, Jr., City Attorney

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### **COUNCIL ACTION**

Business Meeting: 08/04/2020

### **SUMMARY**

Virginia law requires the City Council to petition the court, by resolution, asking that a referendum be held on the question of whether casino gaming shall be permitted within the City of Danville, Virginia. The attached resolution directs the City Attorney to file, in the Circuit Court on behalf of the City Council for the City of Danville Virginia, a petition for a writ of election to hold a referendum on the question of casino gaming at the former Dan River Mills Schoolfield Division Site located at 1100 West Main Street, Danville, Virginia 24541.

### **BACKGROUND**

Virginia has legalized casino gaming in five localities across the Commonwealth. The City of Danville, Virginia meets the criteria as set forth in the Virginia Code. In order to locate a casino in Danville, a local referendum must be held on the question of whether casino gaming shall be permitted in the City of Danville.

### **RECOMMENDATION**

It is recommended that City Council approve the attached resolution requesting and petitioning that a referendum be held on the question of whether casino gaming shall be permitted within the City of Danville at 1100 West Main Street, Danville, Virginia 24541 (former Dan River Mills Schoolfield Division Site).

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### **Attachments**

Resolution

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PRESENTED: \_\_\_\_\_

ADOPTED: \_\_\_\_\_

RESOLUTION NO. 2020 - \_\_\_\_\_. \_\_\_\_

A RESOLUTION REQUESTING AND PETITIONING THAT A REFERENDUM BE HELD ON THE QUESTION OF WHETHER CASINO GAMING SHALL BE PERMITTED WITHIN THE CITY OF DANVILLE AT 1100 WEST MAIN STREET, DANVILLE, VIRGINIA 24541 (FORMER DAN RIVER MILLS SCHOOLFIELD DIVISION SITE).

WHEREAS, the Commonwealth of Virginia has legalized casino gaming in five localities across the Commonwealth pursuant to Virginia Code § 58.1-4100 et. seq.; and

WHEREAS, the City of Danville, Virginia meets the criteria as set forth in Virginia Code § 58.1-4107(A)(2); and

WHEREAS, the City of Danville, Virginia solicited a request for proposals from potential preferred casino gaming operators on December 2, 2019 with a deadline to respond no later than 4:00 p.m. on Monday, January 13, 2020; and

WHEREAS, the City received several proposals including one from Caesars Virginia, LLC, a subsidiary of Caesars Entertainment Corporation, ("CEC" and, together with the other Caesars entities collectively, "Caesars") who submitted a proposal to operate a resort and casino at the former Dan River Mills Schoolfield Division Site located at 1100 West Main Street, Danville, Virginia 24541; and

WHEREAS, the City considered all the factors set forth in Virginia Code § 58.1-4107(B) in reviewing the proposals and following a competitive bidding process, adopted a Resolution on June 2, 2020, stating that Caesars Virginia, LLC (a subsidiary of CEC) shall be the City's preferred casino gaming operator; and

WHEREAS, the City, pursuant to Va. Code § 58.1-4107(F) submitted the required information to the Virginia Lottery Board on June 11, 2020, for review; and

WHEREAS, the Virginia Lottery Board on July 9, 2020 granted Caesars Virginia, LLC (a subsidiary of CEC) certification of approval to proceed to local referendum to operate as the preferred casino gaming operator in the City of Danville, Virginia; and

WHEREAS, Virginia Code § 58.1-4123 requires a local referendum be held on the question of whether casino gaming shall be permitted in the City of Danville; and

WHEREAS, Virginia Code § 58.1-4123 requires the governing body to petition the court, by resolution, asking that a referendum be held on the question of whether casino gaming shall be permitted within the City of Danville, Virginia.

NOW THEREFORE, BE IT RESOLVED, that the City Council of the City of Danville, Virginia, on the basis of the foregoing and other deliberations and in careful consideration of the public health, safety, and welfare, hereby resolves in accordance with Virginia Code §§ 58.1-4123 and 24.2-684, to direct the City Attorney to file, in the Circuit Court on behalf of the City Council for the City of Danville Virginia, a petition for a writ of election to hold a referendum on the question of casino gaming at the former Dan River Mills Schoolfield Division Site located at 1100 West Main Street, Danville, Virginia 24541; and

BE IT FURTHER RESOVLED, the City Council directs that the question on the ballot for the referendum be stated, in accordance with Virginia Code § 58.1-4123, as follows:

"Shall casino gaming be permitted at a casino gaming establishment in the City of Danville, Virginia at 1100 West Main Street, Danville, Virginia 24541 (former Dan River Mills Schoolfield Division Site) as may be approved by the Virginia Lottery Board?"

☐ Yes

☐ No

APPROVED:

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MAYOR

ATTEST:

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CLERK

Approved as to  
Form and egal Sufficiency:

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CITY ATTORNEY

# Council Letter

## City of Danville, Virginia



**CL-2357**

**New Business C.**

### **City Council Regular Meeting**

**Meeting Date:** 08/04/2020

**Subject:** Creative Communities Partnership Grant

**From:** William Sgrinia, Director of Parks, Recreation & Tourism

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### **COUNCIL ACTION**

First Reading: 08/04/2020

Final Adoption: 08/18/2020

### **SUMMARY**

In the past, the City of Danville has participated in the Creative Communities Partnership Grant, formerly known as the Local Government Challenge Grants program, through the Virginia Commission for the Arts. The City has received notification from the Commission that a grant of \$4,500 has been awarded for Fiscal Year 2021.

### **BACKGROUND**

The local match of \$5,000 has been provided in the Fiscal Year 2021 Budget, General Fund Support Grants account. With these funds, assistance is provided to local arts organizations. Some of the local groups that have been assisted under this program over the years include: the Danville Area Choral Arts Society, Danville Art League, Danville Concert Association, Danville Museum of Fine Arts and History and the Danville Symphony Orchestra. The advertising for availability of funding and the submittal for funding requests will begin immediately. A public notice will be advertised in the Danville *Register and Bee* on Sunday, August 30, 2020, soliciting applications. Agencies listed above will be sent letters advising them of the funding opportunity and informing them that they must complete an application. The applications are due back to the City no later than October 1, 2020. City staff reviews the applications and makes award recommendations to a local arts grant task force, who vote on the final awards. Award recipients are notified by letter of their grant amount, and the funds must be spent prior to June 30, 2021.

### **RECOMMENDATION**

It is recommended that City Council adopt the accompanying Ordinance providing funds for a Creative Communities Partnership Grant from the Virginia Commission for the Arts, and the required share.

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### **Attachments**

Ordinance

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PRESENTED: \_\_\_\_\_

ADOPTED: \_\_\_\_\_

ORDINANCE NO. 2020 \_\_\_\_\_.\_\_\_\_\_

AN ORDINANCE AMENDING THE FISCAL YEAR 2021 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.

NOW THEREFORE, BE IT ORDAINED by the Council of the City of Danville, Virginia, that the Fiscal Year 2021 Budget Appropriation Ordinance be, and the same is hereby, amended by increasing revenues for a grant in the amount of \$4,500 from the Commonwealth of Virginia, Virginia Commission for the Arts, and the local share of the grant in the amount of \$5,000, all for its support of local arts, such funds to be appropriated in the Special Grants fund and to be as follows:

**ANTICIPATED REVENUES**

| <b><u>Description</u></b>                                 | <b><u>Account No.</u></b> | <b><u>Amount</u></b> |
|-----------------------------------------------------------|---------------------------|----------------------|
| Virginia Commission for the Arts<br>Categorical Aid—State | 60139000-47520            | \$ 4,500             |
| Transfer from General Fund                                | 60139000-6101             | <u>5,000</u>         |
|                                                           | TOTAL                     | <u>\$ 9,500</u>      |

**ANTICIPATED EXPENDITURES**

| <b><u>Description</u></b>        | <b><u>Account No.</u></b> | <b><u>Amount</u></b> |
|----------------------------------|---------------------------|----------------------|
| Virginia Commission for the Arts | 60139999-50               | <u>\$ 9,500</u>      |

AND BE IT FURTHER ORDAINED that all other accounts and provisions of the Fiscal Year 2021 Budget Appropriations Ordinance, as amended, not hereby amended, shall continue in full force and effect unless and until hereafter further amended or repealed.

APPROVED:

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MAYOR

ATTEST:

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CLERK

Approved as to  
Form and Legal Sufficiency:

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CITY ATTORNEY

# Council Letter

## City of Danville, Virginia



**CL-2370**

**New Business D.**

### **City Council Regular Meeting**

**Meeting Date:** 08/04/2020

**Subject:** Casino Revenue Study

**From:** Cynthia Thomasson, Budget Director

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### **COUNCIL ACTION**

First Reading: 08/04/2020

Final Adoption: 08/18/2020

### **SUMMARY**

The Danville Regional Foundation (DRF) has approved \$37,187.50 to pay for one half of the total cost of \$74,375 to hire outside expertise to guide a process for how the City should best invest possible new revenues generated from a casino gaming development, should the voters approve an expected referendum in November. The local share is to be funded from reprogrammed funds in Economic Development's budget for the Schoolfield Study.

Staff is not requesting any additional appropriation of funds for this project.

### **BACKGROUND**

It is expected that there will be a referendum in November for the citizens of Danville to vote on allowing a casino to operate within the City limits. Following several months of due diligence, a competitive process for selection of a preferred casino gaming operator, and months of negotiation with Caesars Entertainment, the City is expected to generate significant increases in revenue, should voters approve the referendum. In order to make sure the City uses these funds in ways that will most positively impact progress on City Council's identified focus areas of improving education, reducing crime, and growing the City, staff has engaged the assistance of independent expertise to guide a community-driven process to identify opportunities for investment.

PFM was the firm that created the City's multi-year financial plan two years ago. That plan identified a number of cost savings and revenue enhancing measures aimed at closing the long-term fiscal gap and to have funds left over to make strategic investments.

### **RECOMMENDATION**

It is proposed that City Council adopt the attached ordinance appropriating the DRF funding.

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### **Attachments**

Ordinance

PRESENTED: \_\_\_\_\_

ADOPTED: \_\_\_\_\_

ORDINANCE NO. 2020 - \_\_\_\_\_.\_\_\_\_\_

AN ORDINANCE AMENDING THE FISCAL YEAR 2021 BUDGET APPROPRIATION ORDINANCE BY INCREASING REVENUES FROM DANVILLE REGIONAL FOUNDATION IN THE AMOUNT OF \$37,187.50 FOR THE STUDY ON THE USE OF POTENTIAL CASINO REVENUE AND APPROPRIATING THE SAME.

WHEREAS, Danville Regional Foundation (DRF) recognizes the importance of the maximizing the potential revenues which can be generated if the referendum on Casinos is approved by the voters in November; and

WHEREAS, DRF is providing a \$37,187.50 grant to the City of Danville, to be used as part of the City's study on potential revenues from the operation of a casino in Danville.

NOW THEREFORE, BE IT ORDAINED by the Council of the City of Danville, Virginia, that the Fiscal Year 2021 Budget Appropriation Ordinance be, and the same hereby is, amended, by increasing revenues in the Economic Development Fund for the receipt of a grant from DRF, such revenue and appropriation to be as follows:

**ANTICIPATED REVENUE**

| <u>Description</u>                                                                 | <u>Account No.</u> | <u>Amount</u>      |
|------------------------------------------------------------------------------------|--------------------|--------------------|
| Economic Development Fund:<br>Casino Revenue Study<br>Danville Regional Foundation | 61610000-43640     | <u>\$37,187.50</u> |

**ANTICIPATED EXPENDITURES**

| <u>Description</u>                                  | <u>Account No.</u> | <u>Amount</u>      |
|-----------------------------------------------------|--------------------|--------------------|
| Economic Development Fund<br>Casino Revenue Project | 61610999-50        | <u>\$37,187.50</u> |

AND BE IT FURTHER ORDAINED that a flexible budget is hereby authorized whereby appropriations may be increased to the extent that actual revenues from the DRF and other sources exceed the original revenue estimate; and

BE IT FINALLY ORDAINED that all other accounts and provisions of the Fiscal Year 2021 Budget Appropriation Ordinance, as amended, not hereby amended, shall continue in full force and effect unless and until hereafter further amended or repealed.

APPROVED:

\_\_\_\_\_  
MAYOR

ATTEST:

\_\_\_\_\_  
CLERK

Approved as to  
Form and Legal Sufficiency:

\_\_\_\_\_  
CITY ATTORNEY