

July 5, 2022

The Regular July meeting of the Danville City Council was held on July 5, 2022, at 7:00 p.m. in the Council Chambers located on the Fourth Floor of the Municipal Building. The following Council Members were present: James B. Buckner, L.G. "Larry" Campbell Jr., Bryant Hood, Mayor Alonzo L. Jones, Barry P. Mayo, Vice Mayor Gary P. Miller, Sherman M. Saunders, J. Lee Vogler, Jr., and Madison J.R. Whittle (9).

Staff Members present were: City Manager Ken F. Larking, Deputy City Manager Earl B. Reynolds, Jr., and City Attorney W. Clarke Whitfield Jr., City Clerk Susan M. DeMasi was absent.

INVOCATION

The Invocation was given by L.G. "Larry" Campbell, Jr., followed by the Pledge of Allegiance.

COMMUNICATIONS FROM VISITORS

Mayor Jones recognized Shawn Barker, 312 Marshall Terrace, president and founder of "Save the Vaxxed" movement, #savethevacs, who spoke to Council regarding the adverse reactions people have received as a result of COVID19 vaccines. He distributed packets to Council Members outlining CDC reports of the different diseases, health problems and deaths that have occurred due to the vaccines. He asked that Council step up and do more to help their residents.

Mayor Jones recognized Candy Edwards from Youth and Positive Action who invited Council to attend *Sanctified* a Tyler Perry play coming to Danville on July 30. Flyers were distributed to Council Members.

Mayor Jones recognized Alex Hedrick, 524 West Main Street, who spoke to Council regarding land he purchased from the City at the intersection of Stokes and Rison Street. There were trees hanging over the power lines and some illegal dumping, mainly tires, on his property. He wanted to know who to contact regarding those issues. Mayor Jones introduced City Manager Ken Larking and Deputy City Manager Earl Reynolds, and directed Mr. Hedrick to call the City Manager's Office to have these issues looked into.

CONSENT AGENDA

Mayor Jones opened the floor for a Public Hearing regarding the Consent Agenda Budget Appropriation Items. Notice of the Public Hearing was published in the *Danville Register & Bee* on June 28, 2022. No one present desired to be heard and the Public Hearing was closed.

Council Member Buckner **moved** for adoption of the following Consent Agenda Items.

Consideration of Approval of Minutes from Regular Council Meeting held on June 7, 2022. Draft copies of the minutes had been distributed prior to the meeting.

Amending the Fiscal Year 2022 Budget Appropriation Ordinance for a Grant from the Danville Regional Foundation in the Amount of \$979,690

An Ordinance entitled, Ordinance No. 2022-06.12, an Ordinance Amending the Fiscal Year 2022 Budget Appropriation Ordinance by Increasing Revenue from the Danville Regional Foundation in the Amount of \$979,690 and Appropriating the Same.

Amending the Fiscal Year 2022 Budget Appropriation Ordinance for a Grant from the Danville Regional Foundation in the Amount of \$4,000,000

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An Ordinance Entitled, Ordinance No. 2022-06.13, an Ordinance Amending the Fiscal Year 2022 Budget Appropriation Ordinance by Increasing Revenue from the Danville Regional Foundation in the Amount of \$4,000,000 and Appropriating the Same.

Amending the Fiscal Year 2022 Budget Appropriation Ordinance for Funds from the Virginia Tourism Corporation in the Amount of \$210,000

An Ordinance entitled, Ordinance No. 2022-06.14, an Ordinance Amending the Fiscal Year 2022 Budget Appropriation Ordinance for two American Rescue Plan Act Tourism Recovery Program Grants from the Virginia Tourism Corporation in the Amount of \$100,000 and \$110,000 Respectively for a Total of \$210,000 and Appropriating the Same.

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

Council Member Whittle noted they need to be able to work with the school system as diligently as possible. His concern was it would be easier for Council to work with them if Council could fund them as they went on. If Council voted this down, does that finish the budget for them and City Attorney Clarke Whitfield explained the Appropriation that Council voted on at the last meeting was what fully funded them and it will be funded over time. The items on the Consent Agenda were all things related to grants and expenditures by the City itself, and did not believe there was anything in there to do with the schools. The Appropriation budget was what funded the schools and there wasn't a way to go back since they were in a new fiscal year. Mr. Whitfield noted on the budget and appropriation, they were never voted on in the Consent Agenda, they were each done as a separate First Reading and had a separate approval or consideration.

Council Member Saunders stated at the last meeting when they voted on the total budget for the City, the school budget was included in that total budget, and he had some concerns he expressed about the school system for the last six to eight years. To make his feelings known, he had to vote "no" against the entire budget because the school budget was included in it. Council Member Vogler stated that the actual school budget was voted on a couple meetings ago and doesn't have anything to do with the Consent Agenda Council was voting on tonight.

Mayor Jones asked Mr. Whitfield if the total budget appropriation for the City, including the school system, comes to a vote, and a motion was made not to vote at that time, and all of Council voted no after that budget had been presented, with the school system being in that budget, what would have happened, and Mr. Whitfield stated that the City would have shut down because there would be no money to fund any government. Mayor Jones asked City Manager Ken Larking what was the timeline when the final budget appropriation was done so that, if by chance the budget appropriation did not pass, and Mr. Larking stated that if it did not pass on the night of a regular scheduled council meeting then a special council meeting would have to be called before or on June 30 to try to adopt a budget that everyone can agree to. Mayor Jones noted the Council adopts the budget earlier in the middle of June which gave them time to work the budget out, and Mr. Larking noted it did.

Council Member Saunders stated to Mr. Whitfield and Mr. Larking that the school system received funds from the state in addition to those from the City; the City put in about \$20M to \$22M. Do they know what was the total school budget, was it \$54M to \$60M, and Mr. Larking noted it was within that range. Mr. Saunders asked Mr. Whitfield if the City had not included that \$20M to \$22M, then the school system would have shut down, and Mr. Whitfield explained the way he understood the Mayor's question was if Council did not approve the appropriation, then it would shut down. There was a certain minimum the City was required by law to give to the schools, and the state would require Council to do that. Council Member Saunders stated that Education was

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the City's number one priority, but his concerns go back six to eight years from not getting satisfactory answers; he still supports the school system and wishes everyone the best of luck.

Council Member Campbell asked what the total was with in kind services, and Mr. Larking stated he was not sure. The City partners on various things but does not know if staff has quantified any value to them. Mr. Whittle stated it was important to figure this out now because they were going to do everything they can to get with the superintendent and school board to help lift them up and do whatever Council could. Mayor Jones stated that going forward it was very important that before Council gets to the final adoption of the budget next year in June, if there were discussions that need to go into special sessions, then those conversations need to take place way before it comes time to vote on it. Mr. Vogler stated he wanted to make sure that those watching from home understood that what Council was about to vote on was the Consent Agenda, which was a couple of DRF grants, an appropriation ordinance from Virginia Tourism, and Minutes from the last meeting.

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

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

OLD BUSINESS

CONSIDERATION OF FEE INCREASES EFFECTIVE JULY 6, 2022

Mayor Jones opened the floor for a Public Hearing regarding Fee Increases. Notice of the Public Hearing was published in the *Danville Register & Bee* on June 14, 2022 and June 21, 2022. No one present desired to be heard and the Public Hearing was closed.

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

ORDINANCE NO. 2022-06.11

AN ORDINANCE AMENDING AND ESTABLISHING CERTAIN RENTAL FEES OF THE CITY OF DANVILLE EFFECTIVE JULY 1, 2022.

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

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

NEW BUSINESS

PUBLIC HEARING – AMENDING THE ZONING ORDINANCE OF THE CITY OF DANVILLE REGARDING OUTDOOR LIGHTING AND ILLUMINATION REGULATIONS

Mayor Jones opened the floor for a Public Hearing regarding Amending the Zoning Ordinance regarding Outdoor Lighting. Notice of the Public Hearing was published in the *Danville Register*

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& Bee on June 21, 2022 and June 28, 2022. 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. 2022-07.01

AN ORDINANCE REPEALING, REPLACING, AND REORDAINING ARTICLE 15, ENTITLED "OUTDOOR LIGHTING AND ILLUMINATION REGULATIONS", OF CHAPTER 41, ENTITLED "ZONING ORDINANCE" OF THE CODE OF THE CITY OF DANVILLE, VIRGINIA, 1986, AS AMENDED.

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

Council Member Vogler asked for a brief explanation for citizens and Director of Community Development, Ken Gillie explained that technology went faster than the Zoning Code. When the Zoning Code was written, fixtures were using incandescent, halogen, and other types of lighting; now everything was LED so none of the numbers matched the actual outputs. They had things in wattages, and a 60w incandescent and a 60w LED were completely different. The Zoning Code was allowing over-lighting of properties and sometimes required over-lighting. Staff has changed the Code to be more energy efficient and match what was currently out there.

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

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

PUBLIC HEARING – CONSIDERATION OF A SPECIAL USE PERMIT AT 726 TEMPLE AVENUE

Mayor Jones opened the floor for a Public Hearing regarding a Special Use Permit at 726 Temple Avenue. Notice of the Public Hearing was published in the *Danville Register & Bee* on June 21, 2022 and June 28, 2022. 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. 2022-07.02

AN ORDINANCE GRANTING SPECIAL USE PERMIT APPLICATION PZ22-106, FILED BY STEVEN DECKER, FOR A DUPLEX RESIDENTIAL DWELLING AS ALLOWED BY ZONING CODE ARTICLE 3.E, ENTITLED "OT-R, OLD TOWN RESIDENTIAL DISTRICT", SECTION C., ENTITLED "USES BY SPECIAL PERMIT", ITEM 2 AT 726 TEMPLE AVENUE (PARCEL # 24611).

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

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

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PUBLIC HEARING – CONSIDERATION OF REZONING PROPERTY ON NORTH MAIN STREET

Mayor Jones opened the floor for a Public Hearing regarding Rezoning on North Main Street. Notice of the Public Hearing was published in the *Danville Register & Bee* on June 21, 2022 and June 28, 2022. No one present desired to be heard and the Public Hearing was closed.

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

ORDINANCE NO. 2022-07.03

AN ORDINANCE APPROVING AND AUTHORIZING THE REZONING A 0.069 ACRE PORTION OF PROPERTY ON NORTH MAIN STREET (PARCELS # 53503 AND 60497) FROM LIGHT ECONOMIC DEVELOPMENT – INDUSTRIAL (LED-I) TO HIGHWAY RETAIL – COMMERCIAL (HR-C).

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

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

CONSIDERATION OF APPROVING THE MASS TRANSIT EQUAL EMPLOYMENT OPPORTUNITY PLAN

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

RESOLUTION NO. 2022-07.01

A RESOLUTION AUTHORIZING THE CITY MANAGER TO APPROVE DANVILLE TRANSIT'S EQUAL EMPLOYMENT OPPORTUNITY PLAN.

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

Council Member Whittle asked for clarification, and Mr. Larking stated that according to Federal requirements, if there were more than fifty employees in Transit, they were required to have one of these plans. Director of Transportation Marc Adelman noted that was correct.

Council Member Saunders questioned with regard to the EEO plan, the Transportation Department was one department of the City, does the City have this overall, and Mr. Larking stated the City had some policies related to this, but nothing as comprehensive as what was being required for Transit. Mr. Saunders noted not tonight, but at some point, can the City Manager help him understand why they don't have a city wide EEO plan in place. Mr. Larking noted that the City does have EEO policies, but they are not as comprehensive as the one being required by federal law, and he can get Mr. Saunders more detail.

Mr. Adelman stated one reason was that Transit had to track, as part of this plan, every individual who files an application under this EEO policy; if the entire City had to do that it would be administratively difficult. This included anyone who was promoted, goes through training, was fired, or received disciplinary action, they would have to be tracked in regard to the protected groups identified in the council letter; it was a lot of monitoring.

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Mr. Saunders noted the City received grants from the state, and supplemental grants from the federal government; if local departments were matched with federal funds, did they need an EEO and Mr. Larking stated that was being looked at. It was a new process coming recently from the federal government. As they have been getting some grants, they have been asked to either certify that there were less than fifty employees in that work unit or more; depending on the answer, they would have to put together an EEO plan as comprehensive as the one for Transportation.

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

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

CONSIDERATION OF A MORAL OBLIGATION FOR WHITE MILL DEVELOPMENT

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

RESOLUTION NO. 2022-07.02

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

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

VOTE: 8-1
AYE: Buckner, Campbell, Hood, Jones, Mayo,
Miller, Saunders, and Vogler (8)
NAY: Whittle (1)

CONSIDERATION OF AUTHORIZING REMOVAL OF THE LONG MILL DAM.

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

RESOLUTION NO. 2022-07.03

A RESOLUTION AUTHORIZING REMOVAL OF THE LONG MILL DAM LOCATED ON THE DAN RIVER ADJACENT TO THE YMCA.

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

Council Member Vogler stated that Council has discussed this issue for over ten years. His position has been clear and consistent, he does not support removing the dam because there were too many unknowns. It was said that they were returning the river back to its original state, but this dam has been here for 120 years. If people wanted to know what that stretch of river will look like before that dam was built, there was documentation of it. The Corp of Engineers had a report in 1880, which was before the dam was built, that shows in great detail what that stretch of river looked like without the dam. In that report, it said the depth of the river in that stretch ranged anywhere from ¾" to three feet deep. Mr. Vogler noted the City has done some preliminary research or observation and by their research, they said there will be a large number of rocks

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exposed throughout that stretch. Mr. Vogler commended the work and effort that has been put into the River District, the hopeful success of the Riverfront Park, but stated that instead of a Riverfront Park it may be more of a Puddle Front Park. He will be voting no.

Council Member Campbell asked if the dam would be completely or partially demolished, and Mr. Larking stated that the dam would be completely removed. The Union Street dam will continue to have water backed up against it; there were gates there that can be opened or closed to let water into the canal which will then be repurposed as a whitewater channel.

Vice Mayor Miller stated that the dams were dangerous for drowning and with the addition of the park, people will be able to walk in the Riverfront Park right to the foot of that dam if it was still there; more drownings were bound to occur. What has changed was the project; they will be developing kayaking at the White Mill, the Riverwalk Trail from the White Mill, the new bridge, all the permits for developing that part of the River District depend on this dam being removed; that makes this an economic development issue as well. When the Brantley Dam was removed, there was no difference in the flow of the water in that area. There were additional reasons now besides public safety, which was his priority, for proper economic development of the area depending on the dam being removed. Dr. Miller noted he will be voting for the removal of the dam.

Council Member Saunders stated that this was a matter of safety and private investment. One death was too many, and the City has had two. Mr. Saunders noted he believed this will lead to the growth of the future of the City; he was looking forward to all of the development being done and will be supporting this.

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

VOTE: 6-3
AYE: Campbell, Hood, Jones, Mayo,
Miller, Saunders, (6)
NAY: Buckner, Vogler and Whittle (3)

**BUDGET APPROPRIATION – CONSIDERATION OF AMENDING THE FISCAL YEAR 2023
BUDGET APPROPRIATION ORDINANCE FOR TOBACCO REVITALIZATION FUNDS FOR
CONSTRUCTION OF A SHELL BUILDING IN THE CYBER PARK**

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

ORDINANCE NO. 2022-07.04

AN ORDINANCE AMENDING THE FISCAL YEAR 2023 BUDGET APPROPRIATION ORDINANCE FOR ONE SOUTHERN VIRGINIA PROGRAM GRANT #3360 IN THE AMOUNT OF \$1,000,000 FROM THE VIRGINIA TOBACCO REGION REVITALIZATION COMMISSION 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 Deputy City Manager or City Attorney.

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City Manager Ken Larking noted they wanted to introduce several new staff members, and Director of Parks and Recreation, Bill Sgrinia introduced Chris Archer, Division Director for Youth Sports and Athletics. Mr. Archer stated that he appreciated the opportunity to be there. Mr. Sgrinia then introduced Will Davis who was the department intern finishing his degree at Ferrum. Mr. Davis stated that he was honored to be able to work where his father had and in the community he grew up in. Mr. Gillie introduced Bart Knuckles, a consultant, who will be working in Planning, filling in when Doug Plachcinski leaves.

Mr. Larking noted he will be heading to the Kennedy School at Harvard for the next three weeks, and thanked the Danville Regional Foundation for funding this opportunity.

Council Member Buckner congratulated Britten Beltran, a local girl who was making her name in bare knuckle boxing; she fought last weekend in Florida and won. She represented Danville very well and mentioned Danville every time she steps into the ring; her husband, Joey Beltran, was also a boxer. The Danville Museum was hosting a Museum meets Margaritaville on July 16 from 5pm to 8pm, tickets were \$40 in advance and \$50 at the gate; there will be music, food, door prizes, and a silent auction. Mr. Buckner thanked the City Manager and staff for a phenomenal event last night. It made him proud as a Danvillian to see people laughing, cheering, and clapping.

Council Member Campbell noted that last night was exceptional, he and his father really enjoyed it; they were very appreciative of where they were in Danville. Yesterday he had the chance to go by Ace Youth Enhancement Project and was very impressed, and noted that Kenny Lewis was doing a six-book summer reading program; reading needs to be enhanced in the youth.

Council Member Hood spoke about the ACE academy; it was an 8-week program that touched on music, writing, photography, and fashion. They put together a music program where they make a single; they will visit different places around the City to learn these skills. They had five children yesterday and will have five more tomorrow for a total of ten who will graduate from this class. They will take a two week break and then start another class of ten children. Graduates will receive their certificate, be able to come back as an ACE Influencer to tell others what they have learned, and to help out.

Council Member Mayo congratulated Council Member Hood on the program stating it was definitely going to take off. The fireworks show was amazing, and noted he wanted to give a shout out to J.C. Chaney who was doing his first youth basketball camp at G.W. There were a lot of kids there, and asked citizens to keep the youth involved and active during the summer. Mr. Mayo noted he would also like to welcome the new President of DCC, Dr. Jerry Wallace.

Vice Mayor Miller stated that six or eight people have approached him about Caesars buying the mall and opening their casino there, and asked the City Manager to comment. Mr. Larking explained that Caesars could not do that because they had a referendum that included the address of where they had to build the casino. The citizens voted on the casino being at the location on West Main Street and that was where it had to be built. Dr. Miller discussed the COVID19 vaccines and numbers of illness and deaths.

Council Member Saunders stated that like most people he believed in prayer and looking at the world where there was so much going on, it was time to pray. Mr. Saunders noted they have a wonderful City, he was proud of the City and the people who live here. As long as they can just get along, they do not have to agree on everything, they can learn from each other.

Council Member Vogler stated that sign-ups and registration were going on now through August 5 for Youth Football and Cheerleading, ages 5 to 12, in the City. If citizens were interested, please

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call 434-799-5214 or sign up online. Last week, Travis Tarpley held his football camp and a week before that the Edmunds' had their camp; Mr. Vogler encouraged citizens to take advantage of the camps. This past weekend was awesome in the City of Danville, with the fireworks and everything happening downtown.

Mayor Jones asked Deputy City Manager Earl Reynolds to come to the podium, and stated that he and Council Member Saunders attended the Youth Police Academy graduation; Earl Reynolds spoke to the graduates and gave an overwhelming speech to the young people entitled *Overcoming*. Earl was always quiet, in the background, but he gave the best commencement speech. Mayor Jones stated that he attended Mrs. Flora McDuffie's 100th birthday celebration at the Stratford earlier and thanked the family for allowing him to be a part of that celebration. As Mr. Vogler stated, there were so many things going on in the community for people to get involved in. There were a lot of back-to-school events they will be attending, and thanked everyone who was helping with regard to education. To Bishop Campbell, they appreciated him and all that he has and will be doing.

Meeting adjourned at 8:23 pm.

APPROVED:

s/Alonzo L. Jones
MAYOR

ATTEST:

s/Susan M. DeMasi, CMC
CITY CLERK