

June 7, 2022

The First Regular June meeting of the Danville City Council was held on June 7, 2022, at 7:00 p.m. in the Council Chambers located on the Fourth Floor of the Municipal Building. The following Council Members were present: James B. Buckner, L.G. "Larry" Campbell Jr., Bryant Hood, Mayor Alonzo L. Jones, Barry Mayo, Dr. Gary P. Miller, Sherman M. Saunders, J. Lee Vogler, Jr., and Madison J.R. Whittle (9). *Mr. Whittle entered the meeting at 7:04 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

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

ANNOUNCEMENTS AND SPECIAL PRESENTATIONS

Mayor Jones welcomed everyone and asked Mr. John Kent to come give his presentation for SOVAH Health.

John Kent, Chief Operating Officer of SOVAH Health reviewed the Community Health update, noting it was posted on their website as well. He stated he would like to touch on some of the current and upcoming community challenges facing SOVAH's journey to become Danville's reliable health care provider. The impact of the hospital was both direct and indirect within the community. Jobs and payroll were a direct economic impact of 1,050 people buying goods and services in and around their hometown. The other impact was new medical providers brought to the Danville community, seventeen in 2021. Their program has become a highly competitive and regarded institution within graduate medical education, receiving the highest national level of accreditation from the American College of Graduate Medical Education; this year they received a three-year survey approval. Out of the fourteen graduates this year, six were staying in the community, as hospital staff providing care in the inpatient setting, joining their residency staff and working in clinics here in the River District.

Mr. Kent noted he also wanted to highlight additional investments being made, with capital investments for 2021 of \$5M in capital projects for the hospital in Danville. This included things like their chiller replacement and LED lighting programs, both of which will reduce their dependence on energy and the amount of energy they use. They have replaced their nuclear medicine camera in the laparoscopic surgery suite, cardiac cath and stress testing systems and equipment, and other small clinical items, to make sure they stay on the front edge of providing high quality care. The hospital provided over \$25M in care that was either charity or uncompensated, essentially care for the community who either did have the means or full financial capacity to be able to provide that care for themselves. The combined \$40M impact summary includes \$15M in taxes paid by the hospital, a significant economic driver. Mr. Kent noted they were most proud of their leadership within the community; they have spent a lot of time working on diversity, equity, and inclusion both within staff and across the community. This was reflected on their board of trustees who, every single time they roll over the board, looks more like the community; they want to make sure they represent citizens from all perspectives and all voices. Some of their sponsorships and donations include Big Brothers and Big Sisters, Boys and Girls Club, and other organizations.

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Mr. Kent stated one of the top challenges they were very concerned about was opioid misuse and abuse. Opioid addiction was widespread across the country, and this region was no exception. They were working actively to address these issues through prevention, education, and community outreach. Mr. Kent noted in terms of challenges, he knows they were going to face critical staffing restraints; every business in the City has these types of constraints. National labor trends were felt very sharply through the health care industry. SOVAH Health, like many other hospitals, was leveraging staffing strategies ranging from specialty pay rates for staff, to traveling labor services and everything in between.

Mr. Kent noted the last thing he wanted to do was provide a small update regarding their Emergency Department Renovation, explaining that renovation was definitely going to cause some challenges within the organization and the community. They were conceptually approved for a major \$50M renovation; that project will create some disruption and their team was working hard to make sure they have a plan to deal with those ahead of time. They have heard from Council and others about concerns related to the quality of care provided by the hospital; they were committed to providing high quality, compassionate care to each and every patient they see. Mr. Kent discussed the rating agencies they follow noting their low ratings were not acceptable, they will not rest and will not be satisfied until they improved their ratings. The Joint Commission, which was the National Accrediting body for hospital services and health care across the country, gave the hospital a full accreditation in their recent three-year survey. In addition to that, they have accredited the hospital as an advanced primary stroke center and have also certified the clinical laboratory. Also, the cardiovascular program was accredited by the National College of Cardiology in heart failure, chest pain, and cath lab. Dr. Miller was a big part of why the program was so successful. In addition to that, they were Commission of Cancer accredited.

Mr. Kent thanked Council for the opportunity to provide this brief update on some of the things they were working on. Mayor Jones thanked Mr. Kent for his update and for being here, and recognized other hospital employees present.

Council Member Saunders thanked Mr. Kent for tonight's presentation. Danville City Council had three priorities and one of them was growing Danville; because Danville was growing, that may increase the need for healthcare. Mr. Kent spoke a little about personnel, and said it was a national issue. How can City Council and the City of Danville itself help them and the hospital meet the need of shortages; in keeping with that, what was the waiting room time, it seems to be a little longer from what he hears from other people. Mr. Kent explained that in terms of how Council can help them, he believes they do the things that were needed to help. A big challenge that they have was \$25M in uncompensated care or under compensated care. With regard to waiting times, one of the challenges they have, and they work with community partners on this, like the Danville Life Saving Crew, was that they need to get people to seek care at the appropriate places; many things that people come to the emergency room for were simply not emergencies. Their care can be provided much more effectively in a different health care setting. Mr. Saunders asked what Mr. Kent's recommendation was for people who know there was a shortage of health care providers across the country, what should people do other than try to stay healthy to stay out of the hospital and Mr. Kent stated that he would suggest if they truly have an emergency care need, do not put it off, do not hesitate, come and be seen. They have seen a lot of people who let their chronic health care issues deteriorate significantly; by the time they do get to SOVAH it was much more difficult to bring them back to health.

Vice Mayor Miller stated about a year and a half ago Mr. Kent was instrumental along with Tommy Bennett, PATHS, and others with the COVID clinics for vaccinations when they first came out. Mr. Kent was there for just about every clinic they had, and Dr. Miller commended him for that.

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Dr. Miller noted Mr. Kent had touched on the ER which they heard months ago from Mr. Larson that the renovations would start soon but they have not seen anything started yet; did he have a timeline of when those renovations will start. Mr. Kent noted that there was not a timeline and there was a two-part process to get a preliminary approval, which was get a budget; that brought in the contractor and allowed them to establish a more firm and final budget. That work was completed at the end of last week, submitted to leadership at LifePoint, and the number came back higher than what it had been previously budgeted for. The new number and plan that had been submitted by the contractor was being reviewed by leadership. They were going to have to wait and see what decisions get made based off that.

Dr. Miller stated his next question was about diversion and staffing. There was backup in the ER, ambulances were piling up unable to leave, the Fire Department was having to pitch in for the rescue squad and some were taking care of patients in the ER. Mr. Kent explained he knows some of their competitors like Moses Cone were offering salaries that were astronomical for nurses and it was hard to compete with that; they have lost several ER nurses to Moses Cone. What they were trying to do was be as fair and comparable as they can be and do the best they can to take care of their staff so they will want to stay and work here. The majority of what they do right now was to work on human resource related issues across the board, not just nurses but physicians, respiratory therapist, ultrasound technicians, radiologist, lab people, and the whole market for employees. There was no single answer.

Council Member Campbell thanked Mr. Kent for his presentation tonight, he appreciated his transparency, and noted he has dealt with the good things, the tax revenue given back to the City, and their employment numbers were high for those they have hired within the community. One of his concerns was how to deal with the negativism of this community. At the last Council meeting, a man was talking negatively about the hospital, and they cannot just walk away from that. Reverend Campbell asked Mr. Kent to elaborate more on how they can be positive about Danville and the hospital, and Mr. Kent agreed that there were a lot of negative attitudes towards the hospital and that negative attitudes were faced every day about one thing or another. The point of his presentation tonight was to make sure they don't gloss over the fact that there were some reasons to be very proud of the hospital. They have some very dedicated professionals within the organization at all levels. They have got to do a better job getting people to step up and talk about the good things, not just the bad things. They have some awesome communication people who were working on some strategies to try to make sure they put the good things out in front of people.

Council Member Buckner thanked Mr. Kent for being here, he wanted to take one second and say "thank you" to Mr. Kent and his staff for the things they do for the community. Mr. Buckner stated he lost his mother, she was at the hospital, and the care and compassion the staff showed to his mother, family, sister, and brother, all of them there at that time, they will forever be thankful. Following up what Reverend Campbell said, they have to get the negative stigma the hospital has to something positive; it has to start with each one of them to be champions for the City, local businesses, and for the hospital. Mr. Buckner thanked SOVAH for their \$82,340,422.00 in payroll that comes to the community every single year, for trying to reduce their carbon footprint by LED lighting in the hospital, and for energy savings that that helps all of them.

Council Member Saunders stated that he too would like to thank Mr. Kent. He has also been a patient in the hospital and knows it very well. Their staff were neighbors, friends, and they were family. This was a great community and hoped they can find some way to get a copy of this meeting tonight and show it to LifePoint. LifePoint made a commitment to change things in Danville and they did; they need to know that Council appreciates the work that they do. Council

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Member Mayo stated he also wanted to thank Mr. Kent, coming and sharing what SOVAH was doing. Mr. Mayo noted he deals with people who have intellectual disabilities, and has a residential service. One of his clients came to the hospital and he was under their care; he took a turn but the staff got on board, he was doing well today and wanted to thank Mr. Kent and his staff. Council Member Vogler thanked Mr. Kent for coming and presenting tonight. Like Council Member Buckner, his wife was in health care and he knows the hard work it was for each and everyone, especially in the last few years. Mr. Vogler noted he cannot thank those employees enough for what they do. For a community this size they can't truly thrive as a City without a strong thriving hospital and without a strong thriving school system. Council was looking forward to the improvements and brighter days for both of those.

Mr. Kent thanked Council for their time.

Proclamation: Pride Month
Presented to: Maureen Belko

Ms. Belko thanked members of Council and Mayor Jones for supporting diversity in the community. She stated Collidescope regularly hears testimony from people deciding to stay in Danville, move back, or move here for the first time after they see the LGBTQ+ community has a supported presence. This year they would like to recognize their very first ally, Ballard Brewery. Austin Bunn, business manager, was here to accept the proclamation with them. Ballard has been home to their yearly pride parties since 2018 but they continue to take that further every chance they get. Ballard annually brews the award-winning Love Wins Wheat which was successfully distributed statewide and supports Collidescope VA. They regularly host inclusive events like their bi-monthly drag shows and this year's pride party on Saturday, June 25. They were very excited, with help from the Dan River nonprofit network, their yearly party which was previously contained to the very large tap room of Ballard will be forced to spill out onto a closed Calhoun Street for their first ever Ally Alley of supportive nonprofits. Ballard has truly set an important example of what it means to be an ally and they were so grateful for everything they do. Ms. Belko encouraged citizens to follow Collidescope Danville VA on Facebook and Instagram for all of their upcoming events. Mayor Jones recognized Austin Bunn and thanked him for all he is doing and has done.

Mayor Jones asked the Westover Christian Academy Champions to come forward. Council Member Hood noted that Council wanted to not only acknowledge but to congratulate them all on having their first basketball championship, the 2022 State Champions of Westover Christian Academy. Coach Jim Barbour introduced himself, Assistant Coach Patterson, and Josh Lewis who was named the State Champion MVP and First Team All-State. He stated that Josh was not only a great player, but a great kid; he was just elected student body president for next school year. Josh thanked coach Barbour and Patterson for working with him and getting him ready for this season. He stated that they would win it again next season and will be back here next year. Mayor Jones asked Josh's family members to please stand and be recognized. Council Member Vogler noted he was a graduate of Westover Christian Academy, he was very proud of Westover, he did want to see them win again next year, and congratulations. Coach Barbour thanked Mayor Jones for bringing the tournament back because that helped them get ready and win this one.

MEETING MINUTES

Upon **Motion** by Council Member Buckner and **second** by Council Member Campbell, Minutes from the Regular Council Meeting held on May 3, 2022, were approved as presented. Draft copies of the minutes had been distributed prior to the meeting.

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OLD BUSINESS

CONSIDERATION OF MAINTAINING THE CURRENT REAL ESTATE TAX RATE OF \$0.84 ON EVERY ONE-HUNDRED DOLLARS (\$100.00) OF ASSESSED VALUE

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

ORDINANCE NO. 2022-05.09

An Ordinance Affirming the Real Estate Tax Rate of \$0.84 on Every One Hundred Dollars (\$100.00) of Assessed Value.

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

Vice Mayor Miller noted Council hears the City's rates were higher than Pittsylvania County or Henry County, but the City provided more services than the County, so the City's rates, which were not increasing, were among the lowest in the state. Council Member Whittle noted that if a citizen's assessment goes up, then their taxes go up, and asked City Manager Ken Larking to please explain that. Mr. Larking noted every two years the City reappraises parcels in the City. On average there is a 3% increase, but it was individualized. Mr. Larking noted that property owners want to see the value of their property increase because it was a positive thing. For a long time, residential property in the City of Danville was depressed due to population decline.

Council Member Campbell noted that if he was not mistaken the tax appraisal was at 100%, and Mr. Larking stated he did not believe the tax appraisal was complete yet. Director of Finance Michael Adkins stated that the appraisal had to be completed by June 30 and as of last Friday out of the 25,000 parcels in the City, they had examined about 24,000.

Council Member Vogler stated he wanted to reiterate to everyone that the tax rate was not changing, this was not a tax increase of any kind; the assessments on homes may be better. If a citizen was elderly or permanently disabled and their income was \$35,000 or less, citizens were eligible for tax relief.

Council Member Whittle asked if he could make a **Motion** to reduce the tax from \$0.84 to \$0.80 per hundred. City Attorney Clarke Whitfield noted that would be a Substitute Motion and would require a second and to be voted on. Mayor Jones asked if there was a second, and Council Member Campbell **seconded** the motion; Mayor Jones asked for discussion on the motion.

Vice Mayor Miller noted the rate was cut down to \$0.80 a few years ago, the economy flattened, and it had to be raised back up; it was harder to raise that rate than to lower it. The City has big plans and were trying to invest the money back into Danville with parks, renovating streets, lights, and places that have not received improvements. Slashing the rate was the worst thing Council could do if they want to grow Danville. Council Member Vogler noted this has been on the agenda for months and was the first time it was being heard about, moments before it was being voted on.

Council Member Buckner asked Mr. Adkins what impact that would have on the budget, and Mr. Adkins explained that historically each \$0.01 of real estate tax roughly equals between \$220,000 and \$250,000 worth of revenue; a \$0.04 reduction would be about \$1M out of the budget. Council Member Campbell noted that he agreed with Council Member Vogler that it should be discussed next year but also thinks it was worth discussing now with extra funds in reserves and funding

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from Caesar's coming in. Council Member Vogler noted that he would have loved to have had this discussion months ago but not two minutes before the vote. This country might be heading for another recession, the City relies on these tax revenues; currently, the City was doing great if they cut if four cents now, and a year from now there was a national recession, they will be right back where they were ten to twelve years ago when the City was at rock bottom and they were trying to figure out how to balance a budget every year.

The Substitute Motion **FAILED** by following vote:

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

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

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

APPOINTMENTS

Vice Mayor Miller **moved** to approve the following Appointment Resolutions, with the exception of #5 which will be voted on separately:

Resolution No. 2022-06.01- A Resolution Reappointing Fred O. Shanks, III to the Airport Commission.

Resolution No. 2022-06.02 - A Resolution Reappointing Michael Duncan to the Airport Commission.

Resolution No. 2022-06.03 - A Resolution Reappointing Eugene Jackson to the Airport Commission.

Resolution No. 2022-06.04 - A Resolution Reappointing Bryant Hood to the Dan River Business Development Center.

Resolution No. 2022-06.06 - A Resolution Reappointing Tammy Warren to the Danville Community Policy & Management Team.

Resolution No. 2022-06.07 - A Resolution Appointing Jerome Holman to the Danville Community Policy & Management Team.

Resolution No. 2022-06.08 - A Resolution Reappointing Ralph Price to the Danville Development Council.

Resolution No. 2022-06.09 - A Resolution Reappointing Philip Hall to the Danville Development Council.

Resolution No. 2022-06.10 - A Resolution Reappointing Bryant Hood to the Danville Development Council.

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Resolution No. 2022-06.11 - A Resolution Reappointing Mike Mondul to the Danville Pittsylvania Community Services Board.

Resolution No. 2022-06.12 - A Resolution Appointing Lori Eanes-Brooks to the Danville Pittsylvania Community Services Board.

Resolution No. 2022-06.13 - A Resolution Appointing Adrian Watlington to the Danville Pittsylvania Community Services Board.

Resolution No. 2022-06.14 - A Resolution Reappointing Sheila Williamson-Branch to the Danville Utility Commission.

Resolution No. 2022-06.15 - A Resolution Appointing Mary Williamson to the Danville Utility Commission.

Resolution No. 2022-06.16 - A Resolution Appointing Gary P. Miller to the West Piedmont Planning District Commission to fill an unexpired term.

Resolution No. 2022-06.17 - A Resolution Appointing Gary P. Miller to the Metropolitan Planning Organization to fill an unexpired term.

Resolution No. 2022-06.18 - A Resolution Reappointing Qonell Totten to the Social Services Advisory Board.

Resolution No. 2022-06.19 - A Resolution Reappointing Venee Mayo to the Social Services Advisory Board.

Resolution No. 2022-06.20 - A Resolution Appointing Andrea Burney to the Social Services Advisory Board.

Resolution No. 2022-06.21 - A Resolution Reappointing Anna Kautzman to the Transportation Advisory Board.

Resolution No. 2022-06.22 - A Resolution Appointing Christopher Franks to the Transportation Advisory Board.

Resolution No. 2022-06.23 - A Resolution Reappointing Ken Gillie to the WPPDC-Technical Advisory Rural Transportation Board.

Resolution No. 2022-06.24 - A Resolution Reappointing Christopher Franks to the WPPDC-Technical Advisory Rural Transportation Board.

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

Vice Mayor Miller **moved** to approve all the following Appointment Resolution:

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Resolution No. 2022-06.05 - A Resolution Appointing Ernestine Payne to the Danville Community College Board to fill an Unexpired Term.

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

VOTE: 7-0-2
AYE: Buckner, Campbell, Hood, Miller,
Saunders, Vogler and Whittle (7)
NAY: None
ABSTAIN: Jones, Mayo (2)

I, Barry Mayo, do hereby state that I have a conflict of interest regarding the Consideration of a Resolution appointing Ernestine Payne as a member of the Danville Community College Board to fill an unexpired term, listed on the agenda under Appointments Agent Item A.5. Therefore, pursuant to the State and Local Government Conflict of Interest Act, Virginia Code § 2.2-3112, I must abstain from voting on this agenda item.

Witness my signature this 7th day of June, 2022.

s/Barry Mayo

I, Alonzo L. Jones, do hereby state that I have a conflict of interest regarding the 9Consideration of a Resolution appointing Ernestine Payne as a member of the Danville Community College Board to fill an unexpired term, listed on the agenda under Appointments Agent Item A.5. Therefore, pursuant to the State and Local Government Conflict of Interest Act, Virginia Code § 2.2-3112, I must abstain from voting on this agenda item.

Witness my signature this 7th day of June, 2022.

s/Alonzo L. Jones

NEW BUSINESS

CONSIDERATION OF AMENDING THE ZONING ORDINANCE ESTABLISHING DWELLING UNIT QUALITY STANDARDS

Mayor Jones opened the floor for a Public Hearing regarding Amending the Zoning Ordinance. Notice of the Public Hearing was published in the *Danville Register & Bee* on May 24, 2022 and May 31, 2022.

Mayor Jones recognized Gus Dyer of 165 Canterbury Road who spoke to Council about concerns regarding the zoning ordinance for the size definition of units. He showed Council a 700 sq ft dwelling he designed for his sister and noted it was 656 sq ft.; under the proposal tonight, that dwelling would not be allowed in Danville, because under the proposal, a two bedroom unit would have to be a minimum of 850 sq ft. He asked Council to consider the proposal more carefully. No one further desired to be heard and the Public Hearing was closed.

Council Member Campbell **moved** to **TABLE** this Ordinance and take it to work session, an Ordinance entitled:

ORDINANCE NO. 2022-06.01

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AN ORDINANCE AMENDING AND REORDAINING ARTICLE 2., ENTITLED "GENERAL REGULATIONS OF "CHAPTER 41, ENTITLED "ZONING ORDINANCE" OF THE CODE OF THE CITY OF DANVILLE, VIRGINIA BY ADDING A NEW SECTION 2. BB, ENTITLED "DWELLING UNIT QUALITY STANDARDS".

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

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

CONSIDERATION OF AMENDING THE ZONING ORDINANCE ESTABLISHING A SECTION ON URBAN AGRICULTURE STANDARDS

Mayor Jones opened the floor for a Public Hearing regarding Amending the Zoning Ordinance. Notice of the Public Hearing was published in the *Danville Register & Bee* on May 24, 2022 and May 31, 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. 2022-06.02

AN ORDINANCE AMENDING AND REORDAINING ARTICLE 2., ENTITLED "GENERAL REGULATIONS", OF CHAPTER 41, ENTITLED "ZONING ORDINANCE" OF THE CODE OF THE CITY OF DANVILLE, VIRGINIA BY ADDING A NEW SECTION 2.CC, ENTITLED "URBAN AGRICULTURE" AND REPEALING THE DEFINITION FOR URBAN AGRICULTURE IN ARTICLE 15

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

Vice Mayor Miller asked what the penalty was for exceeding the number of chickens, and Division Director of Planning Doug Plachcinski explained that zoning infractions were now civil complaints so staff would work with them to try to reduce the number of chickens. If they refuse, then the City can file a civil complaint with the courts. Vice Mayor Miller asked about a maximum number of dogs, and Mr. Plachcinski noted that the City does not currently have a limit on the number of dogs a person can own, or any other domesticated animals.

Council Member Whittle asked what has been changed from the way it written, and Mr. Plachcinski noted that it lessened the distance requirements and took away the requirement to have a special use permit.

Vice Mayor Miller noted that he thought citizens had to have a kennel license if they had more than five or six dogs or cats, and Mr. Plachcinski noted that has been researched thoroughly in the past week and the City does not have that policy. Mr. Whitfield noted that the City looked into that several years ago and Council was not inclined to put a limit on domesticated animals.

The **Motion** was carried the following vote.

VOTE: 9-0
AYE: Buckner, Campbell, Hood, Jones, Mayo,

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Miller, Saunders, Vogler and Whittle (9)
NAY: None

CONSIDERATION OF A SPECIAL USE PERMIT AT 900 S MAIN STREET

Mayor Jones opened the floor for a Public Hearing regarding a Special Use Permit at 900 S. Main Street. Notice of the Public Hearing was published in the *Danville Register & Bee* on May 24, 2022 and May 31, 2022.

Mayor Jones recognized Ferrell Carter who spoke for the applicant, Mr. Ali, stating the special use permit was for skilled gaming at that location. No one further desired to be heard and the Public Hearing was closed.

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

ORDINANCE NO. 2022-06.03

AN ORDINANCE GRANTING SPECIAL USE PERMIT APPLICATION PZ22-71, FILED BY GANZAFARI ALI FOR USMAN ENTERPRISES INC., REQUESTING A SPECIAL USE PERMIT FOR A COMMERCIAL RECREATION FACILITY ACCORDING TO ARTICLE 3.M. SECTION C.4. OF THE DANVILLE ZONING ORDINANCE AT 900 S. MAIN STREET (PARCEL ID#22494).

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

Vice Mayor Miller stated that courts have put this off until November and Mr. Whitfield explained that currently under Virginia law, skilled games were still being defined as illegal gambling. There was currently an injunction in place that states police officers cannot criminally charge someone for illegal gambling on skill machines if that establishment was approved by the ABC board prior to July 1, 2021. There was additional legislation that may go into effect in July to clarify some things regarding the case in Greenville County. As far as the City office was concerned the actual playing of the games was illegal gambling.

Mayor Jones noted there was a motion on the floor to vote but if that fails, what happened, and Mr. Whitfield noted that if the motion fails, they will not be issued a special use permit, and if the motion was tabled, they would not be able to operate unless Council grants them permission at a later date.

Council Member Vogler noted there were three options in the agenda packet. Option 1 was to deny the permit. In the agenda packet it states that if Ma Hollins continues to operate skill gaming machines the City will bring a civil case against them for zoning violations. Option 2 was to approve the Planning Commission's suggestion to allow Ma Hollins to operate commercial recreation within the eleven conditions the Planning Commission recommended through the end of 2022. Previously there were no conditions. Option 3 was to remand the request back to the Planning Commission, which means they can keep operating until the state decides what to do. Mr. Plachcinski noted that Council Member Vogler was correct.

Council Member Vogler noted that it would be better to approve the permit and let them operate with some guidelines than to deny it and end up having to file a civil complaint. Mr. Plachcinski noted that the owner would cease to operate if denied. He also noted that the owner was only able to apply for this special use permit because he applied for it before the City changed the guidelines to limit skilled gaming machines to industrial areas only.

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Vice Mayor Miller asked if these were new machines because they had six machines before and Mr. Plachcinski noted that Ma Hollins was authorized by ABC to have six machines when the state legalized them for one year. Mr. Larking stated that ABC may have approved them, but City approval was never obtained to operate. Vice Mayor Miller asked what staff recommended. Mr. Larking stated that his direction to staff has always been that these machines were illegal; they should do everything they can to prevent their operation. Mr. Larking noted there was merit to the three options. If the request was denied the City had to rely on the business owner to cease operation. Vice Mayor Miller asked if those operating were paying taxes to the City, and Mr. Larking noted the City has received some revenue for the skilled gaming machines. That money goes through the Commissioner of Revenues' office; it was his understanding that not all comply.

The Motion **FAILED** by the following vote.

VOTE: 3-6
AYE: Campbell, Vogler and Whittle (9)
NAY: Buckner, Hood, Jones, Mayo Miller, Saunders

CONSIDERATION OF APPROVAL OF AN APPLICATION TO THE VIRGINIA DEPARTMENT OF RAIL AND PUBLIC TRANSPORTATION FOR MASS TRANSIT FUNDING

Mayor Jones opened the floor for a Public Hearing regarding Mass Transit Funding. Notice of the Public Hearing was published in the *Danville Register & Bee* on May 15, 2022 and May 29, 2022. No one present desired to be heard and the Public Hearing was closed.

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

RESOLUTION NO. 2022-06.25

A RESOLUTION AUTHORIZING AN APPLICATION BY THE CITY TO THE VIRGINIA DEPARTMENT OF RAIL AND PUBLIC TRANSPORTATION FOR GRANTS FOR OPERATING AND CAPITAL COSTS FOR PUBLIC TRANSPORTATION FOR FISCAL YEAR 2023.

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

CONSIDERATION OF AUTHORIZING THE US DISTRICT COURT FOR THE WESTERN DISTRICT OF VIRGINIA TO CONDUCT HEARINGS AND TRIALS AT THE JAMES F. INGRAM JUSTICE CENTER

City Attorney Clarke Whitfield noted he received some communication this week asking that this item be removed from the Agenda. The Director of Administration of Courts had to approve the City's facilities first and a facility license had to be obtained. Therefore, a motion to remove it from the agenda was needed.

Council Member Vogler **moved to REMOVE** the Resolution:

A RESOLUTION OF THE COUNCIL OF THE CITY OF DANVILLE AUTHORIZING AND APPROVING THE UNITED STATES DISTRICT COURT FOR THE WESTERN DISTRICT OF

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VIRGINIA, DANVILLE DIVISION, TO CONDUCT HEARINGS AND TRIALS AT THE JAMES F. INGRAM JUSTICE CENTER.

The Motion was **seconded** by Council Member Campbell 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 THE BUDGET OF THE CITY OF DANVILLE, THE CAPITAL AND SPECIAL PROJECTS PLAN AND THE BUDGET APPROPRIATION ORDINANCE

Mayor Jones opened the floor for a Public Hearing regarding the City of Danville Budgets. Notice of the Public Hearing was published in the *Danville Register & Bee* on May 27, 2022. No one present desired to be heard and the Public Hearing was closed.

Approving the Budgets of the Various Funds of the City of Danville for the Fiscal Year ending June 30, 2023

Upon **Motion** by Council Member Vogler and **second** by Council Member Buckner, a Resolution entitled:

RESOLUTION NO. 2022-06.26

A RESOLUTION APPROVING THE BUDGETS OF THE VARIOUS FUNDS OF THE CITY OF DANVILLE FOR THE FISCAL YEAR ENDING JUNE 30, 2023.

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

Approving the Fiscal Year 2023 Capital and Special Projects Plan for the City of Danville, Virginia.

Upon **Motion** by Council Member Vogler and **second** by Council Member Buckner, a Resolution entitled:

RESOLUTION NO. 2022-06.27

A RESOLUTION APPROVING THE FISCAL YEAR 2023 CAPITAL AND SPECIAL PROJECTS PLAN FOR THE CITY OF DANVILLE, VIRGINIA.

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

Approving the Budget Appropriation Ordinance for Fiscal Year 2023

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

ORDINANCE NO. 2022-06.04

BUDGET APPROPRIATION ORDINANCE FOR FISCAL YEAR 2023.

June 7, 2022

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

CONSIDERATION OF FEE INCREASES EFFECTIVE JULY 1, 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 May 27, 2022. No one present desired to be heard and the Public Hearing was closed.

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

ORDINANCE NO. 2022-06.05

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

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

CONSIDERATION OF INCREASING THE PERSONAL PROPERTY TAX ON AIRCRAFT

Mayor Jones opened the floor for a Public Hearing regarding Personal Property Tax on Aircraft. Notice of the Public Hearing was published in the *Danville Register & Bee* on May 27, 2022 and June 6, 2022. No one present desired to be heard and the Public Hearing was closed.

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

ORDINANCE NO. 2022-06.06

AN ORDINANCE AMENDING AND REORDAINING SECTION 37-36 OF THE DANVILLE CITY CODE TO INCREASE THE PERSONAL PROPERTY TAX ON AIRPLANES FROM \$0.30 PER \$100 OF ASSESSED VALUE TO \$0.69 PER \$100 OF ASSESSED VALUE EFFECTIVE JANUARY 1, 2023

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

CONSIDERATION OF AMENDING THE FISCAL YEAR 2022 BUDGET APPROPRIATION ORDINANCE FOR A BYRNE MEMORIAL JUSTICE ASSISTANCE GRANT IN THE AMOUNT OF \$25,115

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

ORDINANCE NO. 2022-06.07

AN ORDINANCE AMENDING THE FISCAL YEAR 2022 BUDGET APPROPRIATION ORDINANCE BY INCREASING REVENUE FOR THE 2021 EDWARD BYRNE MEMORIAL JUSTICE ASSISTANCE GRANT (JAG) PROGRAM AWARD IN THE AMOUNT OF \$25,115 TO BE USED TO IMPLEMENT A UTILITY TERRAIN VEHICLE PROJECT.

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

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CONSIDERATION OF AMENDING THE FISCAL YEAR 2022 BUDGET APPROPRIATION ORDINANCE FOR A RECREATION ENRICHMENT PROGRAM IN THE AMOUNT OF \$249,240.

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

ORDINANCE NO. 2022-06.08

AN ORDINANCE AMENDING THE FISCAL YEAR 2022 BUDGET APPROPRIATION ORDINANCE TO PROVIDE FOR FUNDS IN THE AMOUNT OF \$51,915 FOR A RECREATION ENRICHMENT PROGRAM AND THE LOCAL IN-KIND SHARE OF \$197,325 FOR A TOTAL APPROPRIATION OF \$249,240 AND APPROPRIATION OF SAME.

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

CONSIDERATION OF AMENDING THE FISCAL YEAR 2022 BUDGET APPROPRIATION ORDINANCE FOR A VICTIM WITNESS GRANT IN THE AMOUNT OF \$177,083.

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

ORDINANCE NO. 2022-06.09

AN ORDINANCE AMENDING THE FISCAL YEAR 2022 BUDGET APPROPRIATION ORDINANCE TO PROVIDE FOR A GRANT FROM THE STATE FOR A VICTIM WITNESS PROGRAM IN THE AMOUNT OF \$177,083 AND APPROPRIATING SAME.

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

COMMUNICATIONS

Mr. Larking introduced Katy Christopherson who has been working as an intern for the City Manager's Office.

Council Member Campbell noted it was an interesting and educational session for everyone tonight. Danville was moving forward and so was Caesar's Entertainment. He had received a lot of phone calls, wanted to remind everyone it was a process and to understand the process so they can move in the right direction.

Council Member Mayo asked to yield his time to some friends in attendance. Tom Fraticelli, Director of Outreach for BrightView spoke about their new facility, history, insurance taken, and hours of operation. Brightview was located at 480 Mount Cross Road. As the patient base was being built, there will be more positions opening. Information can be found at www.brightviewheath.com.

Council Member Vogler thanked BrightView and noted that he had a chance to tour the facility. Council Member Mayo noted that no one was turned away from seeking treatment.

Vice Mayor Miller stated that last year there were over 100,000 overdose deaths in the country. Dr. Miller recognized John Crane for the statewide awards that he had received, and suggested

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that the City find a better way to advertise events being held at the Carrington Pavilion and downtown. He mentioned the woman in Roanoke that died from going over a dam, and encouraged citizens to get their booster for COVID.

Council Member Saunders noted once again that he hoped LifePoint saw a video of this meeting.

Council Member Vogler noted they attended the Otterbots game, he and Council Member Hood participated in ribbon dancing, and encouraged citizens to go out and attend the games. The James Buckner Food Truck Rodeo was a great event and a lot of fun. He congratulated all the graduates in the City and region, they have some great teachers in the school system and citizens need to continue to support them.

Council Member Whittle noted that Delegate Marshall had sent a notice that the budget was approved and \$4 billion coming back to Virginias in tax relief. He thanked the House, Senate, Danny Marshall, and Governor Glenn Younkin for getting the budget straight.

Council Member Buckner noted the Food Truck Rodeo was one of the best events that he has had, and thanked everyone for coming out and supporting it. This City was about coming together and having a good time. If citizens had a good experience with SOVAH Health please take a moment and write a positive review on Google, and if they had any issues or concerns call the business administration office at 434-799-3700. Congratulations to all the 2022 graduates including his son.

Mayor Jones noted Council would be attending the graduation, thanked Dr. Hairston for sending tickets, and thanked everyone working in the school system. Mayor Jones reminded young people to be careful as graduations take place this weekend and to have a great summer.

Meeting adjourned at 9:08pm.

APPROVED:

s/Alonzo L. Jones
MAYOR

ATTEST:

s/Susan M. DeMasi, CMC
CITY CLERK