

February 7, 2023

The Regular February meeting of the Danville City Council was held on February 7, 2023, 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 7:05pm and left at 7:45pm.

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 Invocation followed by the Pledge of Allegiance.

ANNOUNCEMENTS AND SPECIAL PRESENTATIONS

Proclamation: International Business Appreciation Day
Presented to: Corrie Bobe, Director of Economic Development

Ms. Bobe thanked City Council for the honor presented, to celebrate diversity in the community. Danville was very fortunate to have a large number of international firms decide to invest in Danville and Pittsylvania County as well as continue to grow successfully. An invitation was extended to residents to help celebrate this day on Sunday, February 12 for all the investments that have been made by corporate clients.

COMMUNICATIONS FROM VISITORS

Mayor Jones asked all the firefighters in attendance to please stand, and spoke about the house fire that happened a few weeks ago on Lewis Street, that claimed the life of a resident. Mayor Jones stated on behalf of Council, the City Manager, and City staff, thank you for the outstanding work they did, and Council wanted them to know that they sincerely appreciated all they have done and were doing.

Mayor Jones recognized Kenny Lewis, 117 Skylark Drive, who came before Council to discuss the faith-based tutorial program entitled *Better Together*. This nonprofit program works with businesses, churches, daycares, Danville City school board, community centers, Averett, and DCC to set up homework centers to help children succeed. Better Together has six target areas but was making education it's number one priority. Mr. Lewis encouraged Council to help do all they can to get the education system back to where it should be. The program currently has twenty sites and received a federal grant that pays for teachers to come and tutor the youth. Jean Johnson from Evening Light Cathedral Church spoke to Council about the impact this program has on the youth and the excitement that they show. Mrs. Johnson thanked Council, the school board, and the supporters of the program. Council Members thanked Mr. Lewis for his vision and work he was doing in the community. The website for the tutorial program was www.dcbtp.com and the contact number was 434-710-6100. Referrals can be submitted online.

Mayor Jones recognized the following members of the Danville Fire Department and citizens who appeared before Council to discuss fire fighter pay, resources, service to the community, staffing, training, retention, and hours.

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Rorer Payne, 3921 Sandy Creek Road, Dry Fork VA.
Nathan Sergeant, 1455 River Ridge Road
Jennifer Burke, 1252 Vandola Church Road, Danville
Tom Collins, 909 Poplar Trace, Danville

CONSENT AGENDA

Mayor Jones opened the floor for a Public Hearing regarding Budget Appropriation Items. Notice of the Public Hearing was published in the *Danville Register & Bee* on January 31, 2023. 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:

Minutes from the Regular Council Meeting held on January, 3, 2023. Draft copies of the minutes had been distributed prior to the meeting.

Consideration of Amending the Fiscal Year 2023 Budget Appropriation Ordinance for Grant Funds for Litter Control and Recycling Efforts.

An Ordinance entitled, Ordinance No. 2023-01.07, an Ordinance Amending the Fiscal Year 2023 Budget Appropriation Ordinance to Anticipate Grant Funds from the Commonwealth of Virginia for Litter Control and Recycling Efforts in the Amount of \$14,536 and Appropriating Same.

Consideration of Amending the Fiscal Year 2023 Budget Appropriation Ordinance in the Amount of \$741,024 from the Department of Criminal Justice Services.

An Ordinance entitled, Ordinance No. 2023-01.06, an Ordinance Amending the Fiscal Year 2023 Budget Appropriation Ordinance by Increasing Revenue from Virginia Department Criminal Justice Services ARPA Law Enforcement Technology Grant in the Amount of \$741,024 and Appropriating Same.

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

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

Mayor Jones yielded to City Manager Ken Larking and asked him to let everyone know what Council asked him to do with regard to the budget and salaries. Mr. Larking explained that pay studies were normally done every five years but this time it has been accelerated to a three-year cycle due to the pandemic, in regards to pay. It was important to remember that not all organizations do their pay studies at the same time, and that was why pay was never the same. It was important to look at every job's pay to make sure all employees were paid as competitively as possible. Doing this during the March time frame was better to make sure there were revenues to cover the pay increases for the upcoming budget. They do not want to make a promise to pay more when they do not know if it was feasible at the moment. They were going through this process as quickly as they can and will make adjustments based on what can be afforded. Mayor Jones asked Mr. Larking to explain what has been done in January and February of this year. Mr. Larking stated in January, a pay increase was planned for all employees except police officers, to

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match minimum wage. Mayor Jones stated that while education was a top priority for Council so was employee pay, getting all employee's pay to where it needs to be.

Council Member Vogler stated he did not need another study to show him what the firefighters needed to be paid. Council has seen that one, and it stated what firefighters should be paid. He cannot speak for other Council Members, but knows during this budget process his goal was to get the pay to where the study that had already been done stated it should be. Mayor Jones noted that was what all Council Members have stated, and Mr. Vogler noted that was what they were trying to do. He thanked the firefighters for coming to speak, and stated Council was actively working on it through this budget process. Mayor Jones stated this Council cares about every last one of its employees, and they appreciate the firefighters and their families. Mayor Jones also thanked the City Manager for the excellent job that he was doing, listening to Council, and doing the things that he was doing.

APPOINTMENTS

Vice Mayor Miller **moved** for adoption of the following Appointment Resolutions:

Resolution No. 2023-02.01 – A Resolution Appointing Morgan Clarke to the Planning Commission.

Resolution No. 2023-02.02 – A Resolution Reappointing Sherman M. Saunders to the Staunton River Regional Industrial Facility Authority.

Resolution No. 2023-02.03 – A Resolution Reappointing J. Lee Vogler, Jr., to the Staunton River Regional Industrial Facility Authority.

Resolution No. 2023-02.04 – A Resolution Reappointing L.G. "Larry" Campbell, Jr., to the Staunton River Regional Industrial Authority.

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

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

NEW BUSINESS

CONSIDERATION OF REZONING PARCEL #73039 FROM PS-C PLANNED SHOPPING CENTER COMMERCIAL TO M-R MULTIFAMILY RESIDENTIAL

Mayor Jones opened the floor for a Public Hearing regarding rezoning Parcel #73039. Notice of the Public Hearing was published in the *Danville Register & Bee* on January 24, 2023 and January 31, 2023.

Mayor Jones recognized applicant Brian Wilson, 1317 Ringgold Church Road, who spoke to Council about his request to rezone the property; they were currently considering apartment buildings or residential housing at the site. They have spoken with other contractors who may have

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an interest in partnering with them or working independently to develop that area. No one further desired to be heard and the Public Hearing was closed.

Council Member Vogler stated one of the biggest needs they have in the City was housing, and thanked Mr. Wilson for stepping up to help with that.

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

ORDINANCE NO. 2023-02.01

AN ORDINANCE REZONING PARCEL ID #73039 FROM PS-C PLANNED SHOPPING CENTER COMMERCIAL TO M-R MULTIFAMILY RESIDENTIAL.

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

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

CONSIDERATION OF AMENDING CHAPTER 41 ENTITLED "ZONING ORDINANCE" OF THE CITY OF DANVILLE TO REMOVE REQUIREMENTS OF CURB AND GUTTER ON ALL NEW PUBLIC ROADS

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 January 24, 2023 and January 31, 2023. 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. 2023-02.02

AN ORDINANCE AMENDING CHAPTER 41 ENTITLED "ZONING ORDINANCE" OF THE CODE OF THE CITY OF DANVILLE, VIRGINIA, 1986, AS AMENDED, MORE SPECIFICALLY, TO AMEND ARTICLE 3.B SECTION A, ARTICLE 3.C SECTION A, ARTICLE 3.D SECTION A, ARTICLE 3.E SECTION A, ARTICLE 3.F SECTION I, ARTICLE 3.G SECTION I, ARTICLE 3.H SECTION I, TO REMOVE REQUIREMENTS OF CURB AND GUTTER ON ALL NEW PUBLIC ROADS.

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

Council Member Buckner questioned if this was from a study completed recently by the Army Corp of Engineers; was it saying the old way of doing this was not best for run off and drainage. Director of Planning Renee Burton stated that she has not seen a study done by the Army Corp, but that staff has done their own research, and Best Management Practices has determined that this was a better alternative than curb and gutter throughout the developments. Council Member Vogler asked Ms. Burton to elaborate a little more on the environmental side of it, and Ms. Burton stated that the Zoning Code was adopted in February 2004 and that was when the curb and gutter recommendation or requirement was placed into effect. They have determined with EPA studies and Best Management Practices for storm water conveyance systems that curb and gutters do not

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have the benefits that they had anticipated. Staff was now looking at pollution and debris that was accumulating in the curb and gutter, which makes street cleaning difficult. The removal of this requirement means looking at better green alternatives for the system moving forward.

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

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

CONSIDERATION OF AMENDING CHAPTER 35 ENTITLED "SUBDIVISION ORDINANCE" OF THE CITY OF DANVILLE TO ELIMINATE CURB AND GUTTER REQUIREMENTS AND CREATE ITEM K. ENTITLED "STREETLIGHTS"

Mayor Jones opened the floor for a Public Hearing regarding Amending the Subdivision Ordinance. Notice of the Public Hearing was published in the *Danville Register & Bee* on January 24, 2023 and January 31, 2023. 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. 2023-02.03

AN ORDINANCE AMENDING CHAPTER 35.5, ENTITLED "SUBDIVISION ORDINANCE" OF THE CODE OF THE CITY OF DANVILLE, VIRGINIA, 1986, AS AMENDED, MORE SPECIFICALLY, TO AMEND ARTICLE 4, SECTION B, ITEM 1, SUBSECTION H, TO ELIMINATE THE CURB AND GUTTER REQUIREMENT AND TO CREATE SUBSECTION K, ENTITLED "STREETLIGHTS".

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

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

CONSIDERATION OF THE DONATION OF FACILITY IMPROVEMENTS BY THE DANVILLE SCIENCE CENTER AT THE OLD SOUTHERN RAILWAY ADMINISTRATION BUILDING LOCATED AT 657 CRAGHEAD STREET

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

RESOLUTION NO. 2023-02.05

A RESOLUTION APPROVING AND AUTHORIZING THE ACCEPTANCE OF A DONATION OF FACILITY IMPROVEMENTS AT THE DANVILLE SCIENCE CENTER.

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

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

**CONSIDERATION OF AMENDING THE FISCAL YEAR 2023 BUDGET APPROPRIATION
ORDINANCE FOR A VIRGINIA LAND CONSERVATION FOUNDATION GRANT
APPROPRIATION**

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

ORDINANCE NO. 2023-02.03

AN ORDINANCE AMENDING THE FISCAL YEAR 2023 BUDGET APPROPRIATION ORDINANCE BY INCREASING REVENUE FROM A VIRGINIA LAND CONSERVATION FOUNDATION GRANT IN THE AMOUNT OF \$500,000 AND APPROPRIATING THE SAME.

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

COMMUNICATIONS

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

Council Member Saunders noted with regard to the firefighters, he has been there twenty-five years, and every single year he has voted on and supported every single thing that they do. Mr. Saunders stated his name was called out tonight and that was okay. He wanted them to know that he supported the fire department; it was not just words, it was in the record. He also supports the City Manager who was doing an excellent job. They have 1,100 employees, fairness was imperative, that every employee was treated fairly. Fairness was always his number one priority, it was now and for the time that he has worked with the City Manager it was his as well. Mr. Saunders noted that all Council Members support public safety and they also support all 1,100 employees. He will continue to support them, he supports all 1,100 employees. When they ask for something, it was their right to do, the Constitution gives them the right to petition their government; they have come and done that very well and continued to come. Council hears them loud and clear. They also have a thousand more employees that they have to make sure were treated fairly as well.

Council Member Vogler stated that he had a few questions he wanted to bring up noting that some constituents contacted him, about Tyson Foods and the construction work that was going on there. That was a RIFA project so it was joint City and County. A few citizens mentioned when there was that amount of construction going on the roads can get muddy and messy, and depending on the weather it can be a little dangerous at times. There were no warning signs for people driving through to let them know about the road conditions, was that something the City can make happen out there. Mr. Vogler stated that as the City continues to grow downtown, the amount of pedestrian and vehicle traffic has increased, and several people were concerned about vehicles speeding down Craghead Street. Can the City look into practices to improve pedestrian safety with the police department. Mr. Vogler also asked Mr. Larking who was responsible for the American flag at the historical cannon; the flag was not in the condition that an American flag should be in. Last

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year Mr. Vogler asked Council to consider raising the eligibility cap for seniors and the permanently disabled to receive tax relief. The previous amount was capped at \$20,000; he asked if it could be raised to \$40,000; Council and staff worked out a compromise where the amount was raised to \$30,000 and he was appreciative of that. They wanted to see what the budgetary impact would be before they made the jump to \$40,000. Mr. Vogler noted he was pleased to report that 46% more seniors received tax relief this past year; the budgetary impact to the City was minimal at \$17,000. With that in mind, he asked that Council revisit the \$40,000 threshold; with the growth and prosperity that Danville was seeing, they still need to help those who need help the most.

Council Member Campbell thanked Council Member Saunders for his statement, and reminded the firefighters that Council supports them 100%. Rev. Campbell stated that they respect the firefighters but at the same time Council wants to be respected as well. He has spoken to several of the firefighters and it was very disturbing to him with all the prosperity in Danville that the City was underpaying their employees. He highly respects the City Manager because this was a hard job that he has, and also respects the 1,100 employees that were not firefighters. What they were trying to do, was to be fair. Council was thankful for the work they do in the community, and understand how dangerous it was. Council stands behind them, but asked they give the City time to work this out so that they can be fair to all employees.

Council Member Hood stated that he wanted to use the word "responsibility"; it was Council's responsibility to make the best decisions with what was presented, for all Danville citizens, and employees. He appreciated everyone who came out tonight. Council supports their employees and citizens of this great City. Mr. Hood thanked the City Manager and Deputy City Manager for continuously doing diligent work, and working with Council. They will work to resolve this issue; they have Council's support. Mr. Hood thanked all the members of Council because they work diligently together to resolve these issues.

Council Member Mayo stated that each member has stated that they were one. The Mayor has done an excellent job leading Council; they work with the City Manager, Deputy City Manager, City Attorney, and City Clerk as a team and they do a wonderful job. To the fire department, Council hears them and hears them every time. The service they provide for the City was needed. They see them working every day and know they were doing their job. Mr. Mayo thanked Kenny Lewis for bringing the faith-based tutorial programs to the youth to help them thrive. Yesterday at the House of Hope was a wonderful opening; it was good to see the homeless being helped.

Vice Mayor Miller stated as mentioned by the Mayor, Council has three priorities which were education, economic development, and public safety; he considered this a major public safety problem. All of Council was disturbed by the inequity of pay between the City's fire department, and other communities. He has had conversations with other Council Members and have pledged that they were going to make this right. Dr. Miller stated he also doesn't need another pay study; it was self-evident, the numbers were there. They have pledged to make it right, and they will make it right; they just have to figure out how to pay for it and make it fair in a way that was fair to the other employees and taxpayers.

Mayor Jones thanked Council for their comments, and when he said it was never going to be Council against them, this was what he meant. A couple of months ago the newspaper printed the salaries of the schoolteachers, but only printed out those making \$55,000 or more. He asked one of the school board members what that number would be on the opposite side, the number of schoolteachers going into the schools every day who were not in that \$55,000 pay range. He has been on the school board, worked in the school system and they cannot imagine the number of school employees not making \$55,000 or more. All the training that they have to go through and

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all they deal with on a daily basis with children who have all types of issues. He thought of the Public Works individuals who through all kinds of weather go into the communities pulling trash, getting up leaves and all types of debris. Utility workers who when a storm comes, they go out in thunder and lightning with power outages, those employees were out there working very hard. They hear all the public outcry and appreciated the firefighters, the utility workers, the public works employees; they appreciated every City employee. What was disturbing to him was, no one knows the City Manager's family was totally disrespected; he doesn't talk about it. You cannot force your way to make things happen by going past his house and blowing the horns by the fire department. Members of Council that heard the news got upset with the City Manager because those individuals were not dealt with. He and his family have been totally disrespected and he turned it over to HR. This Council was not happy with the results from HR because this was not how they operate in Danville. As Council Member Saunders stated, come before your Council and talk to them. They don't have to scream at Council or disrespect them; it was never going to be Council against them. Mayor Jones noted he was not happy with what the teachers, firefighters or other City employees were getting paid.

The Economic Development department worked so hard to bring in Caesar's and Tyson's, because that brings in more revenue to the community. Mayor Jones thanked the firefighters, for bringing the issue to their attention; they were so busy trying to revitalize and reimagine Danville by bringing in industries to the community that they had to take a pause and focus on the employees. Council talked about supporting all of their City employees but they also have to think about the citizens in the City of Danville. If Council makes commitments that they cannot meet then they have to go to the public and say they were going to raise taxes. Council was pausing; that does not mean that Danville was going to stop growing but now it was time for them to think about other priorities. To the City Manager, Council Member Saunders talked about him and the great work he was doing; not one firefighter clapped. They have been blasting him on Facebook and they were happy about it. When they go low Council doesn't go low. Council was determined that they were going to move Danville forward.

The firefighters were going to get what they deserve, all the City employees were going to get what they deserve and at the same time Council was not going to tax their citizens to get there. The City was moving forward and the last thing Council was going to do was take five steps backward. Mayor Jones noted that Mr. Larking was a good City Manager, and was sorry for what he and his family were put through. He doesn't know many individuals that when someone goes and tries to do something to someone's family, they can still sit here when their family was disrespected. Mayor Jones stated he was going to do everything they can, not just for the firefighters but for all City employees.

ADJOURNED: 8:36pm.

APPROVED:

MAYOR

ATTEST:

CITY CLERK