

March 7, 2023

The Regular March meeting of the Danville City Council was held on March 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, Vice Mayor Gary P. Miller, Sherman M. Saunders, J. Lee Vogler, Jr., and Madison J.R. Whittle (8). Barry Mayo 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.

Mayor Jones presided.

### **INVOCATION AND PLEDGE OF ALLEGIANCE**

Council Member L.G. "Larry" Campbell Jr. gave the Invocation, followed by the Pledge of Allegiance.

### **ANNOUNCEMENTS AND SPECIAL RECOGNITIONS**

Proclamation: National Public Defenders Day  
Presented to: Joseph Schenk, Danville Public Defender

Mr. Schenk thanked Council and stated they were honored to do the work they do for the citizens of Danville. Mayor Jones thanked the public defenders for their work and asked Mr. Schenk to introduce the staff in attendance tonight. Mr. Schenk introduced Mitigation Specialist Melissa Tuck, Office Manager Michelle Thompson, and Attorneys Eric Sap and Ann Charles Morrow. Vice Mayor Miller stated his nephew was a public defender in Columbia, SC, and that as a lawyer he could get a much more lucrative paying job, but he loves his work. It was tough, but they were there to help the public.

### **CONSENT AGENDA**

Mayor Jones opened the floor for a Public Hearing regarding budget items on the Consent Agenda. Notice of the Public Hearing was published in the *Danville Register & Bee* on February 28, 2023. No one present desired to be heard and the Public Hearing was closed.

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

Minutes from the Regular Council Meeting held on February 7, 2023. Draft copies of the minutes had been distributed prior to the meeting.

Amending the Fiscal Year 2023 Budget Appropriation Ordinance for the 2021 Assistance to Firefighters Grant

An Ordinance entitled, Ordinance No. 2023-02.05, Amending the Fiscal Year 2023 Budget Appropriation Ordinance to Provide for a Grant from the Department of Homeland Security in an Amount of \$97,447 and a Local Share in the Amount of \$9,745 for a Total Appropriation in the Amount of \$107,192 and Appropriating Same.

Amending the Fiscal Year 2023 Budget Appropriation Ordinance for the Fiscal Year 2023 Comprehensive Services Act Appropriation.

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An Ordinance entitled, Ordinance No. 2023-02.06, Amending the Fiscal Year 2023 Budget Appropriation Ordinance by Appropriating Comprehensive Services Act Funds and Providing Local Matching Funds for a Total Amount of \$4,780,388 and Appropriating Same.

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

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

Council Member Whittle inquired about the rule changes that went into effect at the last Council meeting regarding communications from visitors. The lady who lived on Bishop Avenue and the gentleman in the wheelchair would not have had time to come in by Friday before the meeting to register to speak. Council Member Saunders asked if this item should be pulled from the consent agenda for later discussion. Mayor Jones stated the item in question was not on the consent agenda, it was voted on and approved at the last meeting. City Attorney Clarke Whitfield confirmed it was a resolution voted on at the last meeting.

## **NEW BUSINESS**

### **CONSIDERATION OF A SPECIAL USE PERMIT AT 501, 505, & 539 CRAGHEAD STREET**

Mayor Jones opened the floor for a Public Hearing regarding a Special Use Permit at 501, 505 and 539 Craghead Street. Notice of the Public Hearing was published in the *Danville Register & Bee* on February 21, 2023 and February 28, 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. 2023-02.01**

AN ORDINANCE GRANTING SPECIAL USE PERMIT APPLICATION PZ23-00003, FILED BY GARRETT SHIFFLETT, REQUESTING A SPECIAL USE PERMIT TO ALLOW MULTIFAMILY RESIDENTIAL DWELLINGS IN EXCESS OF THE MAXIMUM DENSITY AT 501, 505, & 539 CRAGHEAD STREET (PARCEL #21355) IN ACCORDANCE WITH ARTICLE 3.L.C ITEM 13.

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

Council Member Buckner commended Mr. Shifflett and his partners for the work that was happening. The City had a housing study done, and housing was greatly needed; he applauded them for the work they were doing and the investment they were putting into the community. Council Member Vogler stated that he was excited about the project but wanted to know about parking, has that been factored in. City Manager Ken Larking stated that through the IDA, the City has purchased some property that could later be used as a parking facility. In the draft budget, which has not been presented yet, there was funding for design work to do a parking structure that would serve not only this project but other projects in that vicinity. Mr. Vogler asked if the plan was for wide open public parking, rented spaces, or was there another plan, and Mr. Larking stated typically if it was required for development, then the City would prefer to see some kind of lease arrangement where the City would lease a certain number of spaces for the developer; those

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details have not been worked out. There would usually be more spaces available for general public parking as well. Council Member Whittle noted this was a fantastic project, and asked if the parking deck in one of the buildings could be used for parking; Mr. Larking stated that was up to the developer on how they wanted to utilize the buildings. Mr. Whittle stated that was up to Council if there was a parking issue. Mayor Jones stated Council could have a discussion with the developer at another time. Vice Mayor Miller stated he was 100% for the project but was also concerned about parking which was an issue Council should be proactive about.

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

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

**A RESOLUTION APPROVING AND AUTHORIZING THE COMPREHENSIVE AGREEMENT BETWEEN THE SCHOOL BOARD OF THE CITY OF DANVILLE AND BRANCH BUILDS, INC.**

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

**RESOLUTION NO. 2023-03.01**

A RESOLUTION OF THE COUNCIL OF THE CITY OF DANVILLE VIRGINIA APPROVING AND AUTHORIZING THE COMPREHENSIVE AGREEMENT BETWEEN THE SCHOOL BOARD OF THE CITY OF DANVILLE AND BRANCH BUILDS, INC. TO PERFORM FINAL DESIGN AND CONSTRUCTION OF A NEW G.L.H. JOHNSON ELEMENTARY SCHOOL, IN ACCORDANCE WITH VIRGINIA CODE § 56-575.16(5).

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

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

**BUDGET AMENDMENT-CONSIDERATION OF AMENDING THE FISCAL YEAR 2023 BUDGET APPROPRIATION ORDINANCE FOR APPROPRIATION OF OPIOID SETTLEMENT FUNDS**

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

**ORDINANCE NO. 2023-03.02**

AN ORDINANCE AMENDING THE FISCAL YEAR 2023 BUDGET APPROPRIATION ORDINANCE BY INCREASING REVENUES FROM THE NATIONAL OPIOIDS SETTLEMENT TRUST AND OPIOID ABATEMENT AUTHORITY IN THE AMOUNT OF \$1,087,500 AND APPROPRIATING THE SAME.

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

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Council Member Whittle stated that this was a bad deal; it was \$1,037,000 for lives that have been put to rest in the City of Danville from big pharma. As far as he was concerned, it was \$1M from 2022 to 2039, and stated he thought that the City fights, if they have to put it on a referendum that they use casino money, and they fight. Council Member Vogler asked the City Attorney how much was spent from the City to pursue this action, and Mr. Whitfield stated the only cost was staff time; no additional money was put into pursuing this action. Mr. Vogler noted he agreed that no price could be placed on the lives that have been lost but he yielded to the judgment of the attorneys of how likely the City could end up getting more than this, and how long it can be dragged out. There was never going to be an amount that satisfied everyone; this was a step in the right direction, and thanked Dr. Miller for pushing Council in this direction. Council Member Saunders asked if this was the same issue that the father and son attorneys were working on and if so who was paying them, and Mr. Whitfield stated that it was, and the settlement would be paying their fees.

### **BUDGET AMENDMENT- CONSIDERATION OF STATE AVIATION CAPITAL GRANT FUNDING**

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

#### **ORDINANCE NO. 2023-02.05**

AN ORDINANCE AMENDING THE FISCAL YEAR 2023 BUDGET APPROPRIATION ORDINANCE TO PROVIDE FOR ADDITIONAL STATE AVIATION FUNDING IN THE AMOUNT OF \$260,409 WITH A LOCAL SHARE IN THE AMOUNT OF \$129,774 FOR A TOTAL AMOUNT OF \$390,183 AND APPROPRIATING SAME.

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

### **COMMUNICATIONS FROM VISITORS**

Mayor Jones recognized Gary Uitto, 110 Ginger Drive, who thanked Council for listening to his idea for funding an immediate pay increase for firefighters. Mr. Uitto asked that Council suspend and delay the water park project at Martin Luther King Bridge and Memorial Drive to show the firefighters they are more important than this project.

### **COMMUNICATIONS**

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

Vice Mayor Miller stated that the opioid settlement was a multi-attorney, multistate lawsuit; a price cannot be put on life.

Council Member Saunders asked about the policy regarding communications from visitors. When the Consent Agenda was passed, the Minutes from the last meeting were included in that Consent Agenda. Council Member Whittle's point was to discuss that, and if that was the case then pull the minutes from the Consent Agenda. Mr. Whitfield explained that the minutes only reflect actions that have been taken by Council. That action was taken at the last meeting and not by passing the minutes, therefore, it would not need to be pulled. If Council would like to discuss the matter further, they have every right to do so. Mr. Saunders asked if there was more money to come from the opioid lawsuit, and Mr. Whitfield stated there were more suits to come; litigation could take years,

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but may not take that long. Mr. Saunders thanked all of Council, City staff, and citizens; Danville was growing in a very positive way, and he was proud to be witnessing this progress.

Council Member Vogler recognized the firefighters in attendance and thanked them for being there, and thanked the other City employees. Danville Parks and Rec was offering T-ball, softball, and baseball signups now through March 17; citizens can call 434-799-5214 to get signed up. Mr. Vogler noted the traffic lights with the yellow backing have received positive feedback, and asked the City Manager if the City was pursuing funding to get more of those in the City. Mr. Larking stated he would contact Public Works and look into that. Mr. Vogler noted it was an exciting time for the region with economic development, and thought that manufacturing was coming back to this country in a big way. There was no better place for that than Danville and Pittsylvania County, with shovel ready sites plus a workforce pipeline. This was going to be a great time for Danville.

Council Member Whittle stated his understanding with the opioid settlement was, that was the only amount that the City would receive. Mr. Whitfield stated there were more lawsuits to come from other companies, and he anticipated the City receiving more money in the future from other settlements. Mr. Whittle noted the ribbon cutting at Plan Danville was an excellent event.

Council Member Buckner stated it was a wonderful opportunity for citizens and Council at the Plan Danville event; he strongly encouraged everyone to go and be a part of it. Plan Danville was a 20-year comprehensive plan conceived to bring changes to the City of Danville and a new quality of life to its residents. It was located at 206 N Union Street. Mr. Buckner encouraged everyone to stop by and see them, and they don't have to be a resident of Danville. There are amazing things on the horizon for Danville.

Council Member Hood congratulated the students at Park Avenue where he judged the science projects. It was phenomenal to see the students work in teams, break down the hypothesis, the projects, and come to their conclusions. The Danville Public Schools science department will be hosting a Science Symposium at Coates Recreation Center on March 24 at 10:00am.

Mayor Jones thanked the public defenders for the hard work they do every day and thanked them for being at the Council meeting. Mr. Lucas at Danville Public Schools has issued a challenge for the City to read one million books in 2023, and several Council Members and City staff have been reading in the schools. Willie Parker told the students to read as many books as they can, it was vital. Mayor Jones encouraged citizens to be involved in Plan Danville. People often ask what they can do, and this gives people an opportunity to express their voices. Thanks to everyone in chambers and viewing on River City TV tonight.

Meeting adjourned at 8:42pm.

APPROVED:

s/Alonzo L. Jones  
MAYOR

ATTEST:

s/Susan M. DeMasi, CMC  
CITY CLERK