

May 2, 2023

The Regular May meeting of the Danville City Council was held on May 2, 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, 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., City Attorney W. Clarke Whitfield, Jr., and City Clerk Susan M. DeMasi.

Mayor Jones presided.

INVOCATION AND PLEDGE OF ALLEGIANCE

The Invocation was given by Council Member J. Lee Vogler, Jr., followed by the Pledge of Allegiance.

ANNOUNCEMENTS AND SPECIAL PRESENTATIONS

Proclamation: Make Danville Shine Month
Presented to: Chasta White, Housing and Redevelopment Specialist

Mayor Jones recognized Chasta White who thanked everyone in Community Development and Public Works for everything they have done. There will be a kickoff held at the Community Market on Saturday, May 6 from 8:00 am to 12:00 pm. There will be free products including t-shirts and cleanup buckets handed out at the event. There will also be contractors on site handing out information on how to fix up your home. Any questions can be directed to Chasta or if there was a question regarding trash pickup they can be directed to Denise Wyatt at Public Works.

CONSENT AGENDA

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

Minutes from Regular Council Meeting held on April 4, 2023. Draft copies of the Minutes had been distributed prior to the meeting.

Amending the Fiscal Year 2023 Budget Appropriation Ordinance for Appropriation of the Danville Regional Foundation Grant

An Ordinance entitled, Ordinance No. 2023-04.11, Amending the Fiscal Year 2023 Budget Appropriation Ordinance to Provide for a Grant from the Danville Regional Foundation in the Amount of \$200,000 and no Local Match for a Total Grant in the Amount of \$200,000 and Appropriating the Same.

Amending the Fiscal Year 2023 Budget Appropriation Ordinance for an Appropriation of the Community Flood Preparedness Fund (CFPF) Agreement

An Ordinance entitled, Ordinance No. 2023-04.12, Amending the Fiscal Year 2023 Budget Appropriation Ordinance to Provide for a Grant from the Department of Conservation and Recreation in the Amount of \$331,740 and Local Match in the Amount of \$36,860 for a Total Grant in the Amount of \$368,600 and Appropriating the Same.

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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

Mayor Jones recognized Lisa Meriwether, Economic Development Tourism Manager, who introduced Lisa Greer, the new Welcome Center Manager. Ms. Meriweather stated Ms. Greer was a Danville native who recently moved back, and brings an extensive knowledge of hospitality and tourism. Ms. Greer will be responsible for managing the new Visitor's Center operations at 645 River Park Drive.

NEW BUSINESS

CONSIDERATION OF A REQUEST TO REZONE 125 DEWEY PLACE FROM HR-C HIGHWAY RETAIL COMMERCIAL TO OT-R OLD TOWN RESIDENTIAL

Mayor Jones opened the floor for a Public Hearing regarding Rezoning 125 Dewey Place. Notice of the Public Hearing was published in the *Danville Register & Bee* on April 18, 2023 and April 25, 2023.

Mayor Jones recognized Donna Gibson, Realtor, who stated that when she listed Dewey Place, she didn't pay attention that it was zoned commercial. They were able to sell it, the commercial zoning did not go with the loan, and that was the reason they were asking for it to go back to residential. No one else desired to be heard and the Public Hearing was closed.

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

ORDINANCE NO. 2023-05.01

AN ORDINANCE REZONING 125 DEWEY PLACE FROM HR-C, HIGHWAY RETAIL COMMERCIAL TO OTR, OLD TOWN RESIDENTIAL.

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 A SPECIAL USE PERMIT AT 2025 NORTH MAIN STREET

Mayor Jones opened the floor for a Public Hearing regarding a Special Use Permit at 2025 North Main Street. Notice of the Public Hearing was published in the *Danville Register & Bee* on April 18, 2023 and April 25, 2023.

Mayor Jones recognized Steven Gould with SOVAH Legal, who spoke on behalf of the applicant, explaining Items B and C under New Business represent instances of a prior nonconforming use that lapsed because of business licenses and business property tax in arrears. Mr. Gould noted that in both cases, those amounts were now fully current and the applicants were seeking special

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use permits to continue the long standing uses at both properties. No one further desired to be heard and the Public Hearing was closed.

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

ORDINANCE NO. 2023-05.02

AN ORDINANCE GRANTING SPECIAL USE PERMIT APPLICATION PZ23-00075 FILED BY SWICEGOOD BARKER FUNERAL SERVICES, REQUESTING A SPECIAL USE PERMIT TO ALLOW THE OPERATION OF A FUNERAL HOME AT 2025 NORTH MAIN STREET IN ACCORDANCE WITH ARTICLE 3.J, SECTION C, ITEM 6

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 A SPECIAL USE PERMIT AT 564 WEST MAIN STREET

Mayor Jones opened the floor for a Public Hearing regarding a Special Use Permit at 564 West Main Street. Notice of the Public Hearing was published in the *Danville Register & Bee* on April 18, 2023 and April 25, 2023. Steven Gould with SOVAH Legal spoke on behalf of the applicant, explaining the facts for this ordinance were the same as the previous one and they asked for Council's support. No one further desired to be heard and the Public Hearing was closed.

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

ORDINANCE NO. 2023-05.03

AN ORDINANCE GRANTING SPECIAL USE PERMIT APPLICATION PZ23- 00076 FILED BY SWICEGOOD BARKER FUNERAL SERVICES, REQUESTING A SPECIAL USE PERMIT TO ALLOW THE OPERATION OF A FUNERAL HOME AT 564 WEST MAIN STREET IN ACCORDANCE WITH ARTICLE 3.J., SECTION C, ITEM 6.

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

CONSIDERATION OF A REQUEST TO AMEND CHAPTER 41 ENTITLED "ZONING ORDINANCE" OF THE CITY OF DANVILLE, MORE SPECIFICALLY, TO AMEND ARTICLE 15 SECTION B, TO ADD THE DEFINITION FOR "DORMITORY".

Mayor Jones opened the floor for a Public Hearing regarding Amending the Zoning Code for Dormitory. Notice of the Public Hearing was published in the *Danville Register & Bee* on April 18, 2023 and April 25, 2023. No one present desired to be heard and the Public Hearing was closed.

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Vice Mayor Miller **moved** for adoption of an Ordinance entitled:

ORDINANCE NO. 2023-05.04

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 15 SECTION B, TO ADD THE DEFINITION FOR "DORMITORY".

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

Council Member Whittle asked for an explanation of this item and City Manager Ken Larking stated there were currently no definitions in the City Code for a dormitory. Director of Planning Renee Burton stated that was correct, one needed to be added.

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 REQUEST TO AMEND CHAPTER 41 ENTITLED "ZONING ORDINANCE" OF THE CITY OF DANVILLE, SPECIFICALLY TO AMEND ARTICLE 8 ENTITLED "PARKING AND LOADING REQUIREMENTS".

Mayor Jones opened the floor for a Public Hearing regarding Amending the Zoning Code for Parking and Loading Requirements. Notice of the Public Hearing was published in the *Danville Register & Bee* on April 18, 2023 and April 25, 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. 2023-05.05

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 8, SECTION D TO AMEND SPACE LENGTH FROM 20' TO 18'.

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

Council Member Whittle asked if parking spaces were usually 20' by 11', and Mr. Larking stated that they were cleaning the language in the Code because this size did not make any sense. It was being updated with sizes that were more consistent with those being used. Ms. Burton stated that the current code states 9' by 20' which was done over a year ago. Staff was unclear at this point as to why that change was made. The national standard for parking spaces was 9' by 18' so staff decided to return to that size in order to reduce the area of paved surfaces as they were looking at redevelopment. Mr. Whittle questioned if this would affect compact car parking, and Ms. Burton stated this would not as those specifications would remain the same. Mr. Whittle asked if compact parking could be used in the River District, and Ms. Burton stated that it could if a parking lot was being developed. Parking regulations were not required within the River District itself unless someone created a parking lot.

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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 THE FISCAL YEAR 2024 DANVILLE PUBLIC SCHOOLS BUDGET

Mayor Jones opened the floor for a Public Hearing regarding the Fiscal Year 2024 School Budget. Notice of the Public Hearing was published in the *Danville Register & Bee* on April 21, 2023. No one present desired to be heard and the Public Hearing was closed.

Upon **Motion** by Vice Mayor Member Miller and **second** by Council Member Buckner, a Resolution entitled:

RESOLUTION NO. 2023-05.01

A RESOLUTION APPROVING THE BUDGET OF THE SCHOOL BOARD OF THE CITY OF DANVILLE FOR THE FISCAL YEAR ENDING JUNE 30, 2024.

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

Council Member Whittle noted they were funding the Schools \$25M; Mr. Larking explained the request for the School Budget was to increase the amount for their operations by \$2.5M and to reduce their request for capital by \$2M, so it was a net increase of \$5M to the Danville Public School System. That additional revenue for operations would go toward funding for three behavioral specialist positions at \$275,000, to help support children in the community that often come from challenging home environments. Another \$1.4M was to pay for the local match associated with the state's 5% increase for teachers; there were several teacher positions that were funded within the Danville Public School that were paid for with local funds. The 5% raise that the State was offering, only applies to those positions that were authorized through the Standards of Quality. Because there were several other teacher positions that enable them to have smaller classroom sizes, the City needs to provide funding for those teachers to get the 5% increase. There was an \$861,000 request to help implement a \$14 per hour minimum wage; this would ensure every employee in the Danville Public School system has that minimum wage.

Council Member Campbell noted he and Mr. Whittle were the representatives of Council to the School and there was no pre-discussion. There should have been some pre-discussion before it came to Council. Mr. Larking noted they did have a meeting with two members of the School Board, the Mayor and Council Member Whittle as well as the Superintendent and himself; this was about a month or so ago. Rev. Campbell had family issues and was not able to attend and the Mayor stepped in to attend. Mayor Jones noted everything was presented to them, it was broken down by the School; it was well presented.

Council Member Vogler noted this was the First Reading, so there were a couple weeks if there were more questions and was glad the City Manager did a breakdown of what some of this funding was going toward. Council was given the full budget with every line item, and thanked the School Board for that. Mr. Vogler noted he was in favor of the funding, especially to keep the class sizes small. It was important that they have those discussions and work together; he believed that they were and that there were good, positive things on the horizon and there were things they needed

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to work through. They cannot have a strong city without a strong school system; a City of their size can never reach its full potential unless they were arm and arm with their school system, alongside them. It was important that they continue to work together and each do their part.

Mr. Larking noted last year the Council made a request for the school system to present the budget by categories and that was presented in this year's budget to Council; they will be able to see how the money was coming in by category.

Vice Mayor Miller noted what impacts on teacher's abilities was class size; getting the class sizes as small as possible was a major factor in good teaching. In this day and time, multiple social workers were needed, people that interact to find out what the child's problems were, to try to work with the children to get them to learn.

Mayor Jones thanked the Superintendent for being here this evening. Dr. Hairston thanked Council, the process has been going on since October, they have had many Council members meet with their team over the budget, and thanked the City Manager for his support, getting through this process. They believe this budget represents an investment in the teachers, employees as well as support for the students by having the additional support staff in place.

CONSIDERATION OF ADJUSTING UTILITY RATES FOR UTILITY SERVICES

Mayor Jones opened the floor for a Public Hearing regarding Utility Rates. Notice of the Public Hearing was published in the *Danville Register & Bee* on April 25, 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. 2023-05.06

AN ORDINANCE ADJUSTING UTILITY RATES FOR UTILITY SERVICES EFFECTIVE JULY 1, 2023.

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

Council Member Vogler asked for a breakdown of what this was going to mean for an individual's utility bill. Director of Utilities, Jason Grey, stated that there were two utilities that were seeking rate adjustments, water and electric. The average water user can expect to see an increase of about \$1.25 per month. On electric it was based off consumption so higher consumers will actually see a decrease and the lower consumers will see a small increase. Overall, in electric it was a 0% effect, it just allocates cost where appropriate.

Mr. Vogler asked what the reasoning behind the proposed increase was and Mr. Grey stated that every two years the City does a biennial rate study to make sure they were allocating their costs appropriately; charging their costs to provide service for that particular customer class. Other utilities do it every three years or more, but it was their goal to accurately charge customers based off the cost to provide the service. Mr. Vogler stated about eight years ago Utilities had a pretty large deficit and asked the status of that; Mr. Grey stated that they were back in line with the City's policies, and have recovered from that power cost adjustment deficit.

Mr. Vogler noted he was still trying to decide how to vote on this; he understands from the Utilities why this was being put forward, but he also knows that the City's utilities in general were on the

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high side compared to some other places and he understands the reasons for that. Mr. Vogler stated the City was coming into a large amount of revenue as a city, and while this wasn't a tax increase, it was a rate increase. It was getting hard for him to look at someone and tell them about an increase and at the same time, the City has all these great things coming, and money coming in, but ask citizens to pay a little bit more.

Council Member Whittle stated the last time he spoke it was about a half a billion dollars in debt, has the City cleaned that up. Mr. Grey explained that was associated with the City's power generation cost, that was built into the power supply cost; it was ongoing.

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

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

CONSIDERATION OF AMENDING THE PERSONNEL SYSTEM ORDINANCE

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

ORDINANCE NO. 2023-05.07

AN ORDINANCE AMENDING THE PERSONNEL SYSTEM OF THE CITY OF DANVILLE PROVIDING FOR THE CLASSIFICATION, COMPENSATION, AND EMPLOYEE DEVELOPMENT FOR EMPLOYMENT POSITIONS OF THE CITY.

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

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

Council Member Saunders asked if this included the pay study that was just conducted; what percentage of the 1100 employees was this going to affect and Mr. Larking noted that he was told that one-third of the City workforce would be impacted by the raising of the new hire minimum. There was a second phase that will apply to every employee and that was a tenure percentage raise depending on their years with the City. Also, if approved, everyone will receive a pay-for-performance increase in June. Council Member Vogler thanked staff and Council Members for working through this process to increase employee pay.

CONSIDERATION OF A CITY COUNCIL SALARY INCREASE

Mayor Jones opened the floor for a Public Hearing regarding City Council Salary Increase. Notice of the Public Hearing was published in the *Danville Register & Bee* on April 25, 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. 2023-05.08

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AN ORDINANCE INCREASING AND ESTABLISHING THE ANNUAL SALARIES OF THE MAYOR AND COUNCIL.

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 APPROVAL OF THE CITY ATTORNEY'S AMENDED EMPLOYMENT AGREEMENT

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

RESOLUTION NO. 2023-05.02

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF DANVILLE VIRGINIA APPROVING THE CITY ATTORNEY'S AMENDED EMPLOYMENT AGREEMENT.

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 THE APPROVAL OF THE CITY MANAGER'S AMENDED EMPLOYMENT AGREEMENT

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

RESOLUTION NO. 2023-05.03

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF DANVILLE VIRGINIA APPROVING THE CITY MANAGER'S AMENDED EMPLOYMENT AGREEMENT.

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

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

BUDGET APPROPRIATION - CONSIDERATION OF AMENDING THE FISCAL YEAR 2023 BUDGET APPROPRIATION ORDINANCE TO FUND PAY PLAN IMPLEMENTATION AND SUPPORT CITY OPERATIONS

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

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ORDINANCE NO. 2023-05.09

AN ORDINANCE AMENDING THE FISCAL YEAR 2023 BUDGET APPROPRIATION ORDINANCE BY INCREASING REVENUES FROM BUSINESS AND OCCUPANCY LICENSES TO FUND PAY PLAN IMPLEMENTATION AND SUPPORT CITY OPERATIONS FOR AN APPROPRIATION IN THE AMOUNT OF \$600,000 AND APPROPRIATING THE SAME.

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

COMMUNICATIONS FROM VISITORS

Mayor Jones recognized Kendall Davis, 312 Gardner Street, who came before Council to discuss an issue he was having with drainage and water running onto his property. He gave pictures to the City Clerk, and stated he has been dealing with this issue since 2015 and no one was doing anything about it; Mr. Davis asked that Council look into the situation. Mayor Jones asked that he take the City Manager's card and call him to discuss the matter further.

COMMUNICATIONS

Mr. Larking noted that he attended a dinner meeting with Urban Land Institute who were visiting the community today and tomorrow. This was a group of professionals involved with development across Virginia; he had a great conversation with them. They wanted to learn from Danville about what they have been doing, how they have been successful in revitalizing the community through economic development and other efforts. Mr. Larking stated he was very proud of the fact that Danville was selected as one of the places this group wanted to come and talk to. Mr. Larking noted the Housing Authority purchased the Winslow Hospital and has asked for input from the community as to what they would like to see in the neighborhood; he shared some things that the City was doing outside of the Housing Authority to help build that neighborhood back up.

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

Council Member Saunders spoke about the Almagro neighborhood and how active Reverend Cecil Bridgforth was in the community. He was thankful that the Housing Authority has purchased the property, and looks forward to the wonderful things that will be done in the community. Mr. Saunders noted he was reminded of how often they look at people's jobs and pay, was happy that the City completed a pay study and have implemented such a great plan. Hopefully this will help to hold and gain more employees.

Council Member Vogler discussed the implementation of eliminating the business fee for small businesses last year, and with about a month to still go in this fiscal year, more business licenses have been applied for than last year. Mr. Vogler noted business license revenues were up and that was amazing. Council also voted for increased tax relief for disabled and elderly citizens, and for the first time in the history of city employees they were all at 100% or better for pay. This City Council takes care of its employees and citizens, and he was honored to serve with them.

Council Member Whittle noted his agreement with Council Member Vogler, but cautioned that there were headwinds coming and the City needed to cautiously move forward.

Council Member Buckner thanked Council Member Saunders for the fun weekend they had riding bikes for different organizations. There was a lot going on this weekend and hoped everyone heads out. Thursday night the band Palmore will be playing at 917 West Main Street, show starts

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at 7pm and the doors open at 6:30pm, the Cinco de Mayo street festival was this Friday night in the 500 block of Craghead Street, the George Washington orchestra was presenting a concert this Friday night at 7pm at the GW High School auditorium, and Make Danville Shine was kicking off Saturday at the community market. There was a ton of stuff going on here in Danville and Mr. Buckner stated he looked forward to what was to come.

Council Member Campbell noted his agreement with everything that has been said.

Council Member Hood stated his agreement with everything that has been said tonight, and gave a shout out to Nana Karen's on Main Street. They allow the homeless to come in every morning to get meal tickets and they feed them every day from their menu without asking for acknowledgement.

Council Member Mayo commented on all the events Council has been attending, including the annual Danville Life Saving Crew banquet; it was interesting to learn about all they do. Mr. Mayo noted it was amazing to hear about the history of the Almagro neighborhood and how the citizens in that area feel; he looked forward to the revitalization that was going to happen there. Mr. Mayo noted he would like to touch on all the shootings that have been filling the media and how it hurts to see this. He urged citizens to speak about what was going on in their community; they witness so much but they will not speak, and Council needs them to speak. Mr. Mayo noted the 20th annual basketball camp was free and will start June 12 – June 14 at the Boys and Girls Club.

Vice Mayor Miller commented on the six year old that was shot in Lynchburg while playing a video game in his house. People really do need to speak up when they see something. National Night Out and Make Danville Shine were the two highlights for Council every year. Dr. Miller encouraged citizens to come to the Make Danville Shine kickoff; it was a lot of fun. Dr. Miler recognized Wayne Allen from the North Main Theater and Tyquan Graves from the School Board.

Mayor Jones gave a shout out to Chasta White and her kids for coming to the meeting and speaking about Making Danville Shine, and recognized Tyquan Graves, Tyrell Payne, Keisha Averett, and Keisha Walker for coming out. Mayor Jones noted he was honored and proud to serve with each and every Council Member, and thanked them for all that they do.

Meeting adjourned at 8:12 pm.

APPROVED:

s/Alonzo L. Jones
MAYOR

ATTEST:

s/Susan M. DeMasi, CMC
CITY CLERK