

July 6, 2023

A Regular Work Session of the Danville City Council convened on July 6, 2023 at 8:12 p.m. in Council Chambers located on the Fourth Floor of the Municipal Building. The following Council Members were present: James B. Buckner, 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 (8). L.G. "Larry" Campbell Jr., 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.

MEETING MINUTES

Upon Motion by Council Member Vogler and second by Vice Mayor Miller, Minutes of the Regular Work Session held on May 2, 2023 were approved as presented. Draft copies were distributed to Council Members prior to the Meeting.

WORK SESSION ITEMS

CONSIDERATION OF VACATING AN ALLEY BETWEEN 157 & 159 VIRGINIA AVENUE

Council Member Buckner noted he did not think the City needed to give up alleyways in any neighborhood, and would like to have a work session to discuss those in the City. Danville has some great alleyways that neighbors have gotten used to over the years, being able to access them, and access the backsides of their properties through those alleyways. Although they were not serviceable by the City, always, there were still some utilities that run through them. There were electric poles that run through some of the alleyways, they used to pick up trash through them, and they were used for deliveries over the years. Mr. Buckner stated he did not think the City needed to get in the business of giving away, or abandoning or vacating City owned properties. They need to look at resurfacing them with all the asphalt millings that were taken up around the City, dump them in the alleyways and smooth them back out so people and the City can have access to them.

Assistant Director of Public Works Brian Dunevant explained for the Virginia Avenue vacation, that alley was between two residences and they used it as parking. One thing staff has come to realize was that when there was a public alley, anyone can pretty much walk up to houses and the police cannot do anything about it because it was considered public right of way. Staff has had that situation in the past where they have vacated either full alleys or partial alleys because of that reason. They requested only between their properties up to their back property line; it does not interfere with the alley that runs behind all the houses behind Marshall Terrace and Virginia Avenue, it was only what was between their two property lines.

Mr. Buckner asked how did someone exit the alley from that point if the alleys were opened back up and Mr. Dunevant noted between Virginia Avenue and Marshall Terrace was a pretty significant grade difference and does not see how it was being used or utilized in the past. He believed it was part of the way the trash was picked up and collected there. Mayor Jones asked if it could be accessed after the City vacated that alley and Mr. Dunevant noted they could; there was still an alley behind the properties that would be undisturbed by this action. This particular request was just between two houses where two residents were parking their cars. Mr. Larking explained there was another alley on the other side that faces Marshall Terrace and people cannot go thru from Virginia to Marshall Terrace because of the grade. Mr. Buckner noted going down

July 6, 2023

the alley, making a right and following the other alley, people should be able to exit on Watson Street. Because the City was not maintaining the alley anymore, it was probably overgrown. Mr. Buckner stated he was okay with giving them half of it, but the City should be able to service the backsides of those properties, the residents ought to be able to have access to the backside of their properties and the City ought to be able to access anything that was back there they own.

Mayor Jones noted there was an alley behind 737 Colquhoun Street, it was not being maintained and what he has seen for years happening was drugs; because nothing was there, people were running through the alley and using it for all kinds of stuff. There was another alley near 649 Jefferson Street, the house was boarded up because of people living there, and behind there was another alley. People were using that alley for drugs as well, and he wished something could be done to these alleys; they were not being maintained. Mr. Buckner stated the City should take them back, maintain them and use them for access.

Mr. Buckner asked if the City paid to dump concrete millings, and Mr. Dunevant explained when the City milled a street, usually they will try to get some of the millings; they have to work it out with the contractor as there was a cost. They call it RAP because they recycle it back into new asphalt; when the City takes some of it, it actually drives the cost of asphalt up a little bit. The City keeps some of the millings because they always have a maintenance use for them.

Mayor Jones suggested doing another work session on these alleys, with some proposals on what to do with them; there needs to be a plan. Mr. Larking noted his agreement, that a more comprehensive discussion about this was the wise thing to do.

Mr. Larking reviewed the map of the site, noting it was wider than an alley and might have been the site of a future street because of how wide it was. The two neighbors were asking for what was adjacent to their properties, split it down the middle and share it equally. It would close the ability for the public to drive through there. Mr. Buckner noted they could see on Virginia Avenue, the turning point, when the City did trash pick up they drove through the alley. It was obviously why it was there; it runs all the way behind, between Virginia and Marshall Terrace. Most of the houses cannot access the back alley because it was not being maintained.

Mayor Jones suggested this item be Tabled, and Mr. Buckner noted his agreement. Mr. Vogler noted Council needed to spend some time and look at how they want to address this issue. Mr. Dunevant noted it was no problem to pull this item, and to give them an idea of how these were handled before they come before Council, when staff gets the request, they will evaluate it, both in Public Works and then it was sent out to Utilities and other departments, to see if there were any comments or opposition. Also, if it was two property owners like this, and one property was making the request, staff will talk to the other property owner to make sure there was no disagreement. Staff tries to do their due diligence up front.

Mr. Buckner asked if there was any way they could get a list of the alleyways in the City. Mr. Whittle asked how this request came to the City and Mr. Dunevant explained it was put in through the City's website; there was a form if someone wants to make the request. Mr. Larking noted staff will provide Council with as much information as they need, but adding additional rights of way to City maintenance, on top of what currently occurs for City maintenance, will be an increased cost to the budget. Mayor Jones asked if the City was supposed to be maintaining the right of ways and Mr. Larking explained the reason the City was not maintaining the alleyways was because there was no reason for City departments to go back there; it was a cost savings to the City. They had only been maintained when there was backyard trash pickup in certain cases, but now that the City does not do backyard trash service, there was no purpose for them.

July 6, 2023

CONSIDERATION OF VACATING A RIGHT OF WAY AT ANN BYRD COURT AND HARRAWAY LANE

Mr. Larking noted this item was a future street that was platted, but was never built. Mr. Dunevant noted the request was to abandon the right of way that was established.

Council agreed to put this item on a future agenda.

CLOSED MEETING

At 8:37 p.m., Vice Mayor Miller **moved** that this meeting of the City Council of the City of Danville, Virginia be recessed and that Council immediately reconvene in a Closed Meeting for the following purposes: discussion or consideration of the acquisition and/or disposition of real property for a public purpose where discussion in an open meeting would adversely impact the bargaining position of the City as permitted by Subsection (A)(3) of Section 2.2-3711 of the Code of Virginia, 1950 as amended, and more specifically to consider a discussion regarding the sale and/or potential purchase of a specific parcel of property for use by prospective industrial, commercial, and mixed use projects looking to locate in the City, and an Economic Development discussion and update concerning a prospective business or industry where no previous announcement has been made and/or the expansion of an existing business or industry where no previous announcement has been made as permitted by Subsection (A)(5) of Section 2.2-3711 of the Code of Virginia, 1950, as amended and more specifically to consider an update on multiple prospective commercial, mixed use, hospitality, and industrial projects considering locating within the City and/or locating within the region in cooperation with the City's regional partners, and discussion or consideration of the investment of public funds where competition or bargaining was involved, where if made public initially, the financial interest of the governmental unit would be adversely affected as permitted by Subsection (A)(6) of Section 2.2-3711 of the Code of Virginia, 1950, as amended.

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

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

Upon unanimous vote at 9:28 p.m., Council reconvened in open session and Vice Mayor Miller **moved** for adoption of the following Resolution:

CERTIFICATE OF CLOSED MEETING

WHEREAS, the Council convened in Closed Meeting on this date pursuant to an affirmative recorded vote and in accordance with the provisions of the Freedom of Information Act; and

WHEREAS, Section 2.1-344.1 of the Code of Virginia, 1950, as amended, requires a Certification by the Council that such Closed Meeting was conducted in conformity with Virginia Law;

NOW, THEREFORE, BE IT RESOLVED that the Council hereby certifies that, to the best of each Member's knowledge, (i) only public business matters lawfully exempted from open meeting requirements of Virginia Law under Section 2.2-3711 were heard, discussed or considered, and

July 6, 2023

(ii) only such public business matters as were identified in the Motion by which the Closed Meeting was convened were heard, discussed or considered by the Committee.

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

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

MEETING ADJOURNED AT 9:29 P.M.

APPROVED:

s/Alonzo L. Jones
MAYOR

ATTEST:

s/Susan M. DeMasi, CMC
CITY CLERK