

September 18, 2018

The Second Regular September meeting of the Danville City Council was held on September 18, 2018, 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., Mayor Alonzo L. Jones, Dr. Gary P. Miller, Sherman M. Saunders, Fred O. Shanks, III, Vice Mayor J. Lee Vogler, Jr., and Madison J.R. Whittle (8). Adam J. Tomer was absent (1).

Staff Members present were: City Manager Ken F. Larking, City Attorney W. Clarke Whitfield Jr., and City Clerk Susan M. DeMasi; Deputy City Manager Earl B. Reynolds, Jr., was absent.

INVOCATION AND PLEDGE OF ALLEGIANCE

The Invocation was given by Vice Mayor J. Lee Vogler, Jr.; the Pledge of Allegiance to the Flag followed.

Mayor Jones presided. Vice Mayor Jones noted Council will need to add an item to the Agenda, as New Business Item L.

ANNOUNCEMENTS AND SPECIAL RECOGNITIONS

Mayor Jones recognized Dr. Stan Jones, Superintendent of Danville Public Schools who introduced Dr. Tonya Steele, the new principal of Woodrow Wilson Intermediate School.

Mayor Jones read a Certificate of Recognition to the Garden Club of Danville, 100th Anniversary and presented it to Bonnie Griffith, President.

Mayor Jones read a Proclamation entitled Constitution Week and presented it to Anne Geyer, Regent, Dorothea Henry Chapter, Daughters of the American Revolution.

COMMUNICATIONS FROM VISITORS

Mayor Jones recognized Cynthia Terry, 202 North Union Street, Pastor of the Church at that location who noted she was interested in outreach in the community

CONSENT AGENDA

Mayor Jones opened the floor for a Public Hearing regarding the Budget Items on the Consent Agenda. Notice of the Public Hearing was published in the *Danville Register & Bee* on Tuesday, September 11, 2018. No one present desired to be heard and the Public Hearing was closed.

Council Member Saunders **moved** for approval of the Consent Agenda Items:

Minutes from the Regular Council Meeting held on August 21, 2018. Draft Copies had been distributed prior to the Meeting.

Budget Amendment - Amending the FY 2019 BAO for VDOT Highway Safety Improvement Program Funds in the Amount of \$70,830

An Ordinance entitled, Ordinance No. 2018-09.01, presented by its First Reading on September 4, 2018, Amending the Fiscal Year 2019 Budget Appropriation Ordinance for Safety Projects to be Undertaken within the City and to be Financed Anticipating Revenues

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from Virginia Department of Transportation (VDOT) Highway Safety Improvement Program Funds in the Amount of \$70,830.

Budget Amendment - Amending the FY 2019 BAO for VDOT State of Good Repair/Primary Extension Funds in the Amount of \$999,000

An Ordinance entitled, Ordinance No. 2018-09.02, presented by its First Reading on September 4, 2018, Amending the Fiscal Year 2019 Budget Appropriation Ordinance for Roadway Maintenance Projects to be Undertaken within the City and to be Financed Anticipating Revenues from Virginia Department of Transportation (VDOT) State of Good Repair / Primary Extension Funds in the Amount of \$999,000.

Budget Amendment - Amending the FY 2019 BAO for Senior Citizen Programs

An Ordinance entitled, Ordinance No. 2018-09.03, presented by its First Reading on September 4, 2018, Amending the Fiscal Year 2019 Budget Appropriation Ordinance by Increasing Certain Revenues to Provide for Title III-B Grant Funds and Local Share for Senior Citizen Programs and Appropriating Same

Budget Amendment - Amending the FY 2019 BAO by Transferring \$3,000,000 from the Unreserved Fund Balance from the Wastewater Fund for an Economic Development Project

An Ordinance entitled, Ordinance No. 2018-09.04, presented by its First Reading on September 4, 2018, Amending the Fiscal Year 2019 Budget Appropriation Ordinance by Transferring \$3,000,000 from the Unreserved Fund Balance of the Wastewater Fund for an Economic Development Project to Establish a Revolving Economic Development Loan Fund and Appropriating the Same.

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

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

NEW BUSINESS

PUBLIC HEARING - VACATING A RIGHT OF WAY NEAR CHERRY STREET

Mayor Jones opened the floor for a Public Hearing regarding Vacation of a Right of Way near Cherry Street. Notice of the Public Hearing was published in the *Danville Register & Bee* on September 11, 2018 and September 17, 2018. No one present desired to be heard and the Public Hearing was closed.

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

ORDINANCE NO. 2018-09.10

VACATING APPROXIMATELY 2,230 SQUARE FEET OF PUBLIC RIGHT-OF-WAY ON CHERRY STREET

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

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

PUBLIC HEARING - TRANSFERRING CITY OWNED PROPERTY TO THE DRHA

Mayor Jones yielded the floor to Vice Mayor Vogler who opened the floor for a Public Hearing regarding Transferring City Owned Property to the DRHA. Notice of the Public Hearing was published in the *Danville Register & Bee* on September 11, 2018. 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. 2018-09.02

DECLARING CERTAIN CITY-OWNED PROPERTY TO BE SURPLUS TO THE NEEDS OF THE CITY AND AUTHORIZING THE CITY MANAGER TO CONVEY SUCH PROPERTY TO THE DANVILLE REDEVELOPMENT AND HOUSING AUTHORITY.

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

VOTE: 7-0-1-1
AYE: Buckner, Campbell, Miller, Saunders,
Shanks, Vogler and Whittle (7)
NAY: None
ABSENT: Tomer (1)
ABSTAIN: Jones (1)

STATEMENT OF CONFLICT OF INTEREST

I, Alonzo L. Jones, do hereby state that I have a conflict of interest regarding the Resolution Declaring Certain City-Owned Property to be Surplus to the Needs of the City and authorizing the City Manager to Convey Such Property to the Danville Redevelopment and Housing Authority listed on the agenda as New Business Item (B). 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 18th day of September, 2018.

s/Alonzo L. Jones

ENTERING INTO A PURCHASE POWER AGREEMENT WITH TURNINGPOINT ENERGY FOR THE WHITMELL SOLAR PROJECT

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

RESOLUTION NO. 2018-09.03

AUTHORIZING AND APPROVING THE CITY OF DANVILLE, VIRGINIA TO ENTER INTO A PURCHASE POWER AGREEMENT WITH TURNINGPOINT ENERGY, FOR THE

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WHITMELL SOLAR PROJECT, FOR TEN MEGAWATTS OF RENEWABLE SOLAR PEAKING GENERATION POWER TO BE CONSTRUCTED AT 7480 IRISH ROAD WITHIN THE DANVILLE UTILITIES SERVICE TERRITORY

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

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

ENTERING INTO A PURCHASE POWER AGREEMENT WITH STRATA SOLAR FOR THE RINGGOLD SOLAR PROJECT

Vice Mayor Vogler **moved** for adoption of a Resolution entitled:

RESOLUTION NO. 2018-09.04

AUTHORIZING AND APPROVING THE CITY OF DANVILLE, VIRGINIA TO ENTER INTO A PURCHASE POWER AGREEMENT WITH STRATA SOLAR, FOR THE RINGGOLD SOLAR PROJECT, FOR TWELVE MEGAWATTS OF RENEWABLE SOLAR PEAKING GENERATION POWER TO BE CONSTRUCTED AT 1493 RINGGOLD ROAD WITHIN THE DANVILLE UTILITIES SERVICE TERRITORY.

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

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

ENTERING INTO A SHARED USAGE AGREEMENT WITH PATHS INC., FOR THE STONEWALL RECREATION CENTER

Vice Mayor Vogler **moved** for adoption of a Resolution entitled:

RESOLUTION NO. 2018-09.05

APPROVING AND AUTHORIZING THE EXECUTION OF A MEMORANDUM OF UNDERSTANDING BY AND BETWEEN THE CITY OF DANVILLE, VIRGINIA AND PATHS, INC.

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

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

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CITY CODE – AMENDING CHAPTER 24, PARADES AND OTHER ASSEMBLIES, OF THE DANVILLE CITY CODE

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

ORDINANCE NO. 2018-09.11

REPEALING AND REORDAINING CHAPTER 24, ENTITLED “PARADES AND OTHER ASSEMBLIES” OF THE CODE OF THE CITY OF DANVILLE, VIRGINIA, 1986, AS AMENDED, MORE SPECIFICALLY ARTICLE 1, ENTITLED “IN GENERAL”, SECTION 24-1, ENTITLED “PERMIT FOR ASSEMBLIES, DEMONSTRATIONS, ETC., ON CITY PROPERTY.

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

Council Member Shanks questioned if the Council meeting was considered an assembly, and Mr. Whitfield noted it would not be an assembly under the City Code, it was covered under another section. Council Member Saunders noted he would like to commend the City Manager and staff, and Chief Booth for their forward thinking on this matter, to keep the City safe and appreciated their efforts. Council Member Miller noted his agreement, this also gives the City three days to approve a permit and allows the City to prepare.

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

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

BUDGET AMENDMENT – AMENDING THE FY 2019 BUDGET APPROPRIATION ORDINANCE FOR VIRGINIA DMV OCCUPANT PROTECTION GRANT FUNDS

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

ORDINANCE NO. 2018-09.12

AMENDING THE FISCAL YEAR 2019 BUDGET APPROPRIATION ORDINANCE BY INCREASING REVENUE FROM THE VIRGINIA DEPARTMENT OF MOTOR VEHICLES HIGHWAY SAFETY OFFICE SELECTIVE ENFORCEMENT – OCCUPANT PROTECTION GRANT PROGRAM IN THE AMOUNT OF \$5,250 AND APPROPRIATING SAME

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

BUDGET AMENDMENT – AMENDING THE FY 2019 BUDGET APPROPRIATION ORDINANCE FOR VIRGINIA DMV HIGHWAY SAFETY SPEED GRANT FUNDS

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

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ORDINANCE NO. 2018-09.13

AMENDING THE FISCAL YEAR 2019 BUDGET APPROPRIATION ORDINANCE BY INCREASING REVENUES FROM THE VIRGINIA DEPARTMENT OF MOTOR VEHICLES HIGHWAY SAFETY OFFICE SELECTIVE ENFORCEMENT – SPEED GRANT PROGRAM IN THE AMOUNT OF \$9,100 AND APPROPRIATING SAME.

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

BUDGET AMENDMENT – AMENDING THE FY 2019 BUDGET APPROPRIATION ORDINANCE FOR VIRGINIA DMV HIGHWAY SAFETY ALCOHOL GRANT FUNDS

Upon **Motion** by Vice Mayor Vogler and **second** by Council Member Saunders, an Ordinance entitled:

ORDINANCE NO. 2018-09.14

AMENDING THE FISCAL YEAR 2019 BUDGET APPROPRIATION ORDINANCE BY INCREASING REVENUES FROM THE VIRGINIA DEPARTMENT OF MOTOR VEHICLES HIGHWAY SAFETY SELECTIVE ENFORCEMENT – ALCOHOL GRANT PROGRAM IN THE AMOUNT OF \$19,285 AND APPROPRIATING SAME

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

APPROVING A MORAL OBLIGATION WITH AMERICAN NATIONAL BANK

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

RESOLUTION NO. 2018-09.06

APPROVING AND AUTHORIZING THE EXECUTION OF A MORAL OBLIGATION AGREEMENT BY AND BETWEEN THE CITY OF DANVILLE, VIRGINIA AND AMERICAN NATIONAL BANK AND TRUST COMPANY

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

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

CODE CHANGE – AMENDING CHAPTER 37 OF THE DANVILLE CITY CODE TO ADD A NEW SECTION, ENTITLED “DATA CENTERS AND DATA CENTER TAX RATE.”

Upon **Motion** by Vice Mayor Vogler and **second** by Council Member Whittle, an Ordinance entitled:

ORDINANCE NO. 2018-09.15

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AMENDING AND REORDAINING CHAPTER 37, ENTITLED "TAXATION", ARTICLE II, ENTITLED "LEVY AND RATE OF TAX ON REAL ESTATE, TANGIBLE PERSONAL PROPERTY, ETC." OF THE CODE OF THE CITY OF DANVILLE, 1986, AS AMENDED, TO ADD A NEW SECTION 37-37, ENTITLED "DATA CENTERS AND DATA CENTER TAX RATE".

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

DECLARING A STATE OF LOCAL EMERGENCY DUE TO FLOOD CONDITIONS AS A RESULT OF HURRICANE FLORENCE WITHIN THE CITY OF DANVILLE

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

RESOLUTION NO. 2018-09-07

DECLARING A LOCAL EMERGENCY DUE TO FLOOD CONDITIONS A RESULT OF HURRICANE FLORENCE WITHIN THE CITY OF DANVILLE, VIRGINIA ON SEPTEMBER 17TH AND SEPTEMBER 18TH, 2018.

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

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

COMMUNICATIONS

City Manager Ken Larking noted the City avoided the most damaging part of the hurricane and thanked the employees and agencies who worked with the City to make sure it was prepared. Mr. Larking stated the City is well served by a dedicated group of men and women, in multiple agencies and City Departments. There were several emergency planning meetings over the last two weeks with representatives from over a dozen groups ready to help anyone in need and thanked them all for their service. There were no communications from the City Attorney or City Clerk.

ROLL CALL

Council Member Buckner reminded citizens to pray for those who have lost everything during the hurricane, and for the people affected by the tornados in Richmond. Mr. Buckner thanked everyone who came to Danville to escape the hurricane and those that took in refugees from the coast.

Council Member Campbell noted his agreement with the City Manager regarding the efficiency and preparation of the City workers. Danville was blessed that it was not affected by the hurricane and thanked the City Manager for keeping Council informed.

Mayor Jones noted he sat in the command center with the various agencies and City workers, watched the City staff and how well they were informed and ready. Mayor Jones thanked the City Manager for his leadership and for the announcements from Arnold Hendrix and Marc

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Aron. Mayor Jones noted the media played an important role in all this and thanked them for their work, thanked everyone who attended the meeting tonight and those watching at home.

Dr. Miller stated the City did a great job being ready for the emergency, staff did an outstanding job. Dr. Miller noted he attended the ribbon cutting at Kyocera, it is a very impressive facility, and stated his concerns with the situation with the dog warden, the City needs two or three wardens. Dr. Miller noted his thoughts and prayers went to the citizens of New Bern who had been hit by Hurricane Florence.

Council Member Saunders noted his thoughts and prayers went to the families in North and South Carolina and people in Richmond. A special thanks to the fire and police departments for the job they do. The Mayor did an excellent job welcoming Kyocera to Danville and thanked the high school and DCC students that attended the ceremony. Also, thanks to the City Manager and staff, and Marc Aron and Arnold Hendrix for keeping citizens informed.

Council Member Shanks noted he attended the ribbon cutting at Kyocera, it was a very exciting opening that will bring in some high paying jobs, and also promises other businesses in related fields locating in Danville; it is a beautiful building. Mr. Shanks thanked the City employees, some are still working on emergency duties, and fortunately the City didn't get affected by the hurricane.

Vice Mayor Vogler noted he was very proud of the City, the great job the City Manager did, the employees and department heads and thanks to the Mayor for the great job he did and the citizens, helping each other. This Saturday is the 2018 Walk to End Alzheimer's at Ballou Park, registration begins at 8:00 a.m., and invited council members, staff and citizens to participate.

Council Member Whittle noted the City dodged a bullet, all the staff did a tremendous job and reminded citizens that the River has not crested yet and was still dangerous. The ribbon cutting at Kyocera was a great opportunity to see the collaboration between the City and the County.

The meeting adjourned at 8:22 p.m.

APPROVED:

MAYOR

ATTEST:

CITY CLERK