

July 5, 2018

A Regular Work Session of the Danville City Council convened on July 5, 2018 at 7:55 p.m. in the Conference Room located on the Fourth Floor of the Municipal Building. Council Members present were: James B. Buckner, Mayor Alonzo L. Jones, Dr. Gary P. Miller, Sherman M. Saunders, Adam J. Tomer, Vice Mayor J. Lee Vogler, Jr., and Madison J.R. Whittle (7). L. G. "Larry" Campbell Jr. and Fred O. Shanks, III were absent (2).

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

Mayor Jones presided.

MINUTES

Upon **Motion** by Council Member Saunders and **second** by Council Member Buckner, Minutes of the Regular Work Session held on April 17, 2018 were approved as presented. Draft copies were distributed to Council Members prior to the Meeting.

WORK SESSION ITEMS

CONSIDERATION OF AMENDING CHAPTER 5, ARTICLE III, SECTION 25 OF THE DANVILLE CITY CODE

City Manager Ken Larking noted this was a request from Council Member Tomer regarding tethering; he provided information he would like to see changed and asked that it be put on the work session agenda. Staff met with the Police Chief and the Humane Society to review some of those recommendations. Council Member Tomer noted in 2009, Council passed an Ordinance to limit the amount of time a dog or companion animal could be tethered or chained; Council also put restrictions on a temperature bracket. He has met with the Humane Society and other individuals, and after discussion with them thought it was appropriate to bring this back before Council to amend the Ordinance. It would make the criminal punishment more severe, taking it from a class four to a class two misdemeanor, limit the amount of time from four hours to two hours, enforce a heat temperature rating of 85 degrees and also prohibit the chaining or tethering of dogs that are in heat. Mr. Tomer noted he believed it was a humane amendment to the Ordinance, to strengthen the one they passed in 2009.

Dr. Miller noted he was in favor of these changes, and they need to get some help for the dog warden; the City has one dog warden for the entire City and she has to cover 43 square miles. Vice Mayor Vogler noted his support of this change and thanked Council Member Tomer for bringing this to Council. It is important to note that the Humane Society is fully in support of this, the Chief of Police supports this and there hasn't been any opposition from the people who will be impacted by it. Mr. Vogler noted it will not fix every case but it is a step in the right direction.

Mayor Jones also noted his support, thanked Mr. Tomer for bringing this to Council and invited Paulette Dean to speak. Ms. Dean noted she was the Director of the Danville Area Humane Society and the Court Appointed Humane Investigator in the City. Ms. Dean noted they are very much in support of this action. Heat is just as deadly for animals as the cold; in winter, a lot of people are concerned about animals, but they have just as many animals dying in the heat. Chaining of companion animals was a very contentious item in the General Assembly this year, and that first Ordinance meant a lot because Danville is one of the few localities in Virginia that has a temperature prohibition; people were very impressed by that. Ms. Dean thanked Council for this Ordinance. Mr. Saunders noted his support of the Ordinance and asked animal owners

July 5, 2018

to be responsible for their dogs as well. Council Member Tomer thanked Ms. Dean and the Humane Society, without their input, this amendment would not happen and thanked Animal Control Officer Hodges for all her work to bring about humane treatment of animals.

Chief Booth noted his support of this, stated AC Hodges does a tremendous job everyday and he considers her to be one of the hardest working members of the organization. Having one animal control officer for a City with an inordinate amount of animal issues, she is on top of most of them. Obviously, she can only work a certain amount of hours a week, so when she is not working, it falls to the average patrol officer. In the next budget cycle, he will attempt to increase the number of animal control officers in the City. Officer Hodges noted she has worked with Ms. Dean and Mr. Tomer to help them revise this Ordinance, with her suggestions on things she has seen that has made it difficult for her to make charges. One of the biggest changes was the four hours; she works an eight hour day and it is very hard to go by a house every hour for four hours to enforce that. She believes the two hour limit will make it a lot easier for her and the other officers to enforce, along with the temperature limit, dogs in heat as well as changing it from a Class 4 to a Class 2 misdemeanor.

Council agreed to put this on a Business Agenda.

CONSIDERATION OF ENDORSING SMART SCALE APPLICATIONS TO VDOT FOR VARIOUS TRANSPORTATION PROJECTS

Assistant Director of Public Works Brian Dunevant explained the City of Danville is proposing three applications for Smart Scale funding from VDOT, and the MPO is putting forth one application; there are four Resolutions in support of those projects. The MPO Project is the Berry Hill Connector Road; the MPO will be submitting that project, but the City of Danville will be supporting it along with Pittsylvania County. The three City of Danville projects are the Mount Cross Roundabout which was studied last year. Next is the Route 58 Westbound lanes; the City just did a westbound lane project on 58/South Boston Road, but only got to Airport Drive. Their intent was to get to Kentuck Road, but didn't have enough funding, this will fill in the gap for that. The third project is pedestrian improvements to Piedmont Drive, which would basically be a sidewalk network around the mall area, near Coleman Marketplace and around Lowes. Mr. Saunders stated with regard to the roundabout, he hopes the City can have some kind of orientation as to how they work, for people who haven't used one and Mr. Dunevant noted they will do some orientation. Mr. Dunevant stated, if the City gets approved for any of the funding, they wouldn't start seeing funds until 2023 for preliminary engineering; construction would probably be a few years after that.

Council agreed to put this on a Business agenda.

CONSIDERATION OF MAYOR'S APPOINTMENTS TO BOARDS AND COMMISSIONS

Mayor Jones noted he has asked Vice Mayor Vogler to Chair the Boards and Commissions; also on that board is Council Member Buckner and Council Member Campbell. Council Member Saunders will continue to serve on the Danville Development Council and the Employee Retirement System, and Dr. Miller will continue serving on the Roanoke River Basin Committee. Mayor Jones asked if anyone was interested in serving on the West Piedmont Planning District Commission and Council Member Whittle noted he would serve. Mayor Jones noted he is asking Council Member Buckner to Chair the Ambulance Committee and asked Council Member Campbell to replace him on that committee.

July 5, 2018

PROGRAM UPDATES

City Manager Ken Larking noted the Virginia Department of Transportation received the City's application for signage for Wendell Scott; they indicated the Resolution adopted by Council was not clear enough to state the City would be responsible for maintenance of the signs. They wanted a letter explaining that Council understood that. He discussed it with the City Attorney who noted that consensus by Council at the work session, that being their intention when they adopted the Resolution, would allow him to write the letter sharing that consensus with VDOT, and would be sufficient to move that forward. Council agreed that was their intention.

Mr. Buckner questioned the brown signs leading to Dan Daniel park that are very faded and Mr. Larking noted that had been discussed; they asked VDOT to replace them and VDOT stated they don't have the funding to do it right now. The City could pay for the cost and get it expedited, but has not taken that step yet.

Mr. Larking explained the National Resource Network will give their final report on July 17th. A representative from the State will be attending as the State of Virginia is considering establishing a Virginia Resource Network, a state effort similar to the National Resource network. They want to look at what NRN has done for Danville to see if it makes sense to expand it to other locations. Mr. Larking suggested a 5:30 p.m. meeting so NRN can give as much of the report as they can, and follow up at the work session after the regular meeting with questions concerning that report.

ECONOMIC DEVELOPMENT UPDATE

Assistant Director of Economic Development Corrie Teague Bobe noted toward the end of last year, there were changes made to the Federal Historic Tax Credit Program; the tax credit itself was spread over a five year period versus being available to the developer after the project is completed. Now there is a new proposal for a change to the tax credit program. According to the current regulations, the developer is required to subtract the amount of Federal Historic Tax Credit from the building's basis; this proposal is trying to eliminate this subtraction which will increase the basis of the building. The benefit will be when they sell the property it will help reduce their tax liability from the increase of the profit made off the sale of the property; it is a long term benefit for the developer which is proposed to help attract more business or investment to the historic districts. Staff has been asked to write a letter of support or pass a resolution in favor of eliminating the subtraction of the Federal value from their basis. Ms. Paez is currently working on the Resolution in support of this which will be brought to Council at a later business meeting.

COMMUNICATIONS

Mayor Jones questioned if there was any update on the Ruby Archie sign at the Library; Mr. Larking noted he believes they have to coordinate with the family and all the funding has been received. It is just a matter of scheduling the unveiling.

Mayor Jones noted he has asked the City Manager to plan a meeting with the Vice Mayor and former Mayors of the City to let the City Manager and staff share all the good things going on in Danville.

Dr. Miller questioned the status of the City Track and Mr. Larking noted the City has received four proposals for the track design work, and will be evaluating and choosing the best one.

July 5, 2018

Dr. Miller would like Council to look into a joint dispatch system with the City and County. Mr. Larking noted he thought Dr. Miller had spoken about the efficiency of the 911 Center, but also ambulance service as well; those are two separate things, is that something that Council would like staff to pursue taking a look at both of those. Mayor Jones suggested Council Member Buckner and Dr. Miller put together a report that they would like Council to look into, bring it back to Council and will get the City Manager to look into that. Mr. Larking noted dispatch isn't part of the Ambulance Committee; if Council wishes he can look into the efficient delivery of 911 services and see if there are any opportunities to make improvements in that area.

Mr. Tomer noted Dr. Miller mentioned firemen are first responders and EMTs, and years ago Council discussed the idea of having at least one station staffed with an ambulance. Council would need to know a cost estimate of a service of that nature, but believes it would be an asset to the City to have that option in the event the Life Saving Crew isn't available. Mayor Jones noted there was a consensus on having the City Manager study this.

Mr. Saunders noted the state General Assembly appointed a Dr. Martin Luther King, Jr. Commission. That Commission will be in Danville on July 11th from 6:00 p.m. to 8:00 p.m. at High Street Baptist Church. It is chaired by Senator Jennifer McClellan, Senator Bill Stanley will be in attendance, and Senator Janice Howell may be in attendance. It is open to the public.

Vice Mayor Vogler noted he has asked the City Manager to put the Data Center tax cut discussion back on the agenda for the next work session. Mr. Vogler asked about the track timeline, once a firm is chosen to do this, what is the approximate amount of time it will take them to do that phase and Mr. Larking stated each proposal has a different amount of time, probably three months, but will get that information. Mr. Vogler asked what would need to be done to have signage on the bypass that directs people to the River District and Mr. Larking noted that is a VDOT matter. Mr. Larking noted as far as the data center, Mr. Tucker will be in the UK at the next meeting and Ms. Bobe will be out as well, and suggested the first meeting in August.

CLOSED MEETING

At 8:32 p.m., Vice Mayor Vogler **moved** that this meeting of the City Council 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, more specifically to consider both the acquisition of a specific parcel or parcels of real property as well as the disposition of a specific parcel or parcels of real property; and to consider an Economic Development discussion and update concerning 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 the location of a prospective new business or industry to the area and expansion of an existing business or industry.

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

VOTE: 7-0-2
AYE: Buckner, Jones, Miller, Saunders,
Tomer, Vogler and Whittle (7)
NAY: None

July 5, 2018

ABSENT: Campbell, Shanks (2)

Upon unanimous vote at 9:35 p.m., Council reconvened in open session and Vice Mayor Vogler **moved** 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 (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 Buckner and carried by the following vote:

VOTE: 7-0-2
AYE: Buckner, Jones, Miller, Saunders,
Tomer, Vogler and Whittle (7)
NAY: None
ABSENT: Campbell, Shanks (2)

MEETING ADJOURNED AT 9:37 P.M.

MAYOR

CITY CLERK