

January 3, 2019

The Regular January meeting of the Danville City Council was held on January 3, 2019, 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., Adam J. Tomer and Madison J.R. Whittle (9). *Mr. Whittle entered the meeting at 7:07 p.m.*

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.

Mayor Jones presided.

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

The Invocation was given by Council Member Fred O. Shanks, III; the Pledge of Allegiance to the Flag followed.

### **COMMUNICATIONS FROM VISITORS**

Mayor Jones recognized Garland Lewis, 244 Grove Park Circle, Danville who would like Council to consider new businesses, such as strip clubs, be under the same regulations that other cities in Virginia may have them.

Mayor Jones recognized Sherita Howard, 154 Mulberry Road, whose son was sentenced to 45 years in prison and wanted to know what steps can be taken to propose a bill to have all parties held accountable for their roles. Mayor Jones asked the City Attorney to speak with Ms. Howard after the meeting.

Mayor Jones recognized Reverend Cecil Bridgeforth, 709 Edmonds Street, Danville, Virginia who spoke about senior citizens and handicapped people not able to afford to pay the lump sum fee for backyard pickup at the beginning of the year. Rev. Bridgeforth also spoke about the potholes in the City and questioned if the City would reimburse him for damage to his car.

### **MINUTES**

Upon **Motion** by Council Member Buckner and **second** by Council Member Campbell, Minutes of the Regular Council Meeting held on December 4, 2018 were approved as presented. Draft copies of the minutes had been distributed prior to the meeting.

### **NEW BUSINESS**

#### **PUBLIC HEARING – GRANTING A SPECIAL USE PERMIT FOR A COMMERCIAL RECREATION ESTABLISHMENT AND RESTAURANT AT 760, 762 AND 764 WESTOVER DRIVE**

Mayor Jones opened the floor for a Public Hearing regarding a Special Use Permit at 760, 762 and 764 Westover Drive. Notice of the Public Hearing was published in the *Danville Register & Bee* on December 20, 2018 and December 27, 2018.

Mayor Jones recognized Mr. James Shaw, 4738 Golf Club Road, owner with his wife, of the Kings Cudgel Game Center and Bistro, who noted this will not be a gambling establishment

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and will not sell alcohol. Their vision is to serve not only the youth, but anybody in the Danville area that would like to come enjoy a family game and also have a good meal. People in Danville have had to drive 30-40 miles away to Greensboro, Roanoke or Lynchburg for gaming spots. Council Member Shanks questioned Mr. Shaw if he agreed with the terms of the proffers and Mr. Shaw noted he did, and explained they actually proposed that no alcohol be served; they want to keep this a family environment. Council Member Miller noted it was refreshing to see someone developing the abandoned strip malls and appreciates Mr. Shaw's and his wife's efforts. Vice Mayor Vogler thanked Mr. Shaw for doing this.

Mayor Jones recognized Wendy Shaw, co-owner, who noted she was thrilled to be able to bring this to the City, stating it will be a safe, family environment. Ms. Shaw thanked the City for allowing the Danville Comic Con this year, they worked with Stephen Collins, who has since passed, and they are possibly looking at doing a second one in 2019.

Mayor Jones recognized Interim County Administrator Dan Sleeper who noted his son works with the applicants, it will be a good family business and appreciated Council's support.

No one further desired to be heard and the Public Hearing was closed.

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

**ORDINANCE NO. 2019-01.01**

GRANTING A SPECIAL USE PERMIT FOR A COMMERCIAL RECREATIONAL ESTABLISHMENT (LIMITED TO INDOOR USES) AND A RESTAURANT IN ACCORDANCE WITH ARTICLE 3:J SECTION C, ITEM 2 AND ITEM 13 OF THE CODE OF THE CITY OF DANVILLE, VIRGINIA 1986, AS AMENDED AT 760, 762, 764 WESTOVER DRIVE, OTHERWISE KNOWN AS GRID 0715, BLOCK 003, PARCEL 000007 OF THE CITY OF DANVILLE, VIRGINIA ZONING DISTRICT MAP.

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

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

**RESOLUTION IN SUPPORT OF NEW LEGISLATION TO ENABLE A LOCAL REFERENDUM TO CONSIDER ALLOWING A DEVELOPER TO CONSTRUCT A RESORT AND CASINO IN THE CITY OF DANVILLE**

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

**RESOLUTION NO. 2019-01.01**

RESOLUTION OF THE COUNCIL OF THE CITY OF DANVILLE, VIRGINIA SUPPORTING NEW LEGISLATION THAT WOULD ENABLE A LOCAL REFERENDUM IN THE CITY OF DANVILLE TO CONSIDER ALLOWING A DEVELOPER TO CONSTRUCT AND DEVELOP A RESORT AND CASINO IN THE CITY OF DANVILLE

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

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Council Member Shanks noted he has received a great deal of correspondence on this matter, more than 90% to 95% was in favor of this and stated he will be supporting this motion.

Vice Mayor Vogler stated he has received a lot of feedback and the majority has been in favor of this. This is the most significant Economic Development opportunity Danville has seen in his lifetime. It will bring nearly 7,000 jobs and over \$1B into the local economy over the next decade. What Council is doing tonight does not mean a resort and casino will be built here. It simply means they are supporting the General Assembly taking the next step in what will ultimately be decided by the citizens of Danville. There will be a voting referendum on the ballot if this continues forward, where Danville voters will get to choose yes or no. Mr. Vogler stated he will support whatever decision the citizens make, but it should be their choice to make. The City has been presented with an opportunity to create thousands of good paying jobs and receive millions of dollars of tax revenue, revenue that can improve the schools, that can provide more funding for police and firefighters, and revenue that could upgrade aging infrastructure. Mr. Vogler noted he believes in the people, and will be supporting this tonight.

Council Member Saunders noted this was an emotional issue on both sides, but it comes down to revenue, which he thinks is the key. The City can only tax the residents for so much, what are the options to raise the money for the City. Mr. Saunders stated he knows people have strong feelings about gambling, casinos and the lottery. Danville in the past voted against the Virginia Lottery, however, since the lottery passed, Danville Public Schools have been receiving millions each year in lottery funds. Mr. Saunders stated that the people will make the decision, Council tonight is not voting for a casino in Danville. The State has to allow the residents of Danville to vote on it; Council cannot make that decision, the State lets the voters decide.

Council Member Campbell noted his agreement with a lot of what has been said, and has also received phone calls. Some people have stated there will be an increase in crime, but if the City does not have more jobs, there will be an increase in crime. People have to look at the total picture, to see the possibility of growth in the City, and the City moving forward with things already in place that will be developed. The schools need capital improvements of over \$100M; he will vote yes to move forward on this issue. As Mr. Saunders said, Council is not the one to make the decision, but are just moving this to the State.

Council Member Buckner noted he has been receiving many phone calls, mostly in support of this. This was a no-brainer, it has the potential of 7,000 new jobs and over \$1B in new spending in the City over the next ten years. If the City doesn't allow the citizens this opportunity, it would be a great injustice to the citizens of Danville.

Council Member Tomer thanked Delegate Danny Marshall and members of the Virginia legislature for working on this. Mr. Tomer noted it was very important what Mr. Marshall is trying to do, bringing revenue back to the area, to grow the economy. Mr. Marshall brought this decision to Council and ultimately to the citizens of Danville; that is how democracy works, letting the people vote on it. Mr. Tomer stated he thought it would be foolish to walk away from this opportunity. The City needs a new police station, and the schools have major capital improvement projects. The City wants to bring jobs to the area and grow the economy; this would potentially bring \$20M in additional revenue yearly and that could be used to go out and attract other employers, jobs, rebuild the local economy, fight crime and do the things the citizens ask Council to do. Mr. Tomer noted this is an important vote and could end up being one of the monumental votes that he will ever cast while on City Council. There has been a lot of feedback based on moral issues, but it is not the government's job to push morals on

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people. Citizens should choose for themselves and don't try to tell other people what to do. A referendum will let the people decide and noted he will support this measure.

Council Member Miller thanked Delegate Marshall for bringing Danville this opportunity and noted most of the calls and emails he has received are positive. Dr. Miller indicated there are three reasons he is supporting this and one of them is schools. A recent consultants report stated \$126M is needed to renovate four schools in the City; City schools are aging. The City's police station is antiquated, it is not safe for the Police or the Public. Lastly, jobs; Amazon is moving to northern Virginia and creating 5,500 jobs. The area has to spend billions in infrastructure and incentives; this is not going to cost the City of Danville anything. Dr. Miller noted this was Danville's Amazon with 5,000 to 7,000 jobs and less cost than it cost the State of Virginia to get Amazon. This could do so much for the City and the area.

Mayor Jones stated he has heard from all Council Members, and has received many calls and emails as well. Delegate Marshall came to the City to explain the project, wanted to know what Council thought and showed his respect to the community. As Council members, they have a duty to the people. The schools in the City are aging, just to up fit the schools will be \$126M dollars. Mayor Jones noted he asked the City Manager what a tax increase would cost to pay for those renovations. City Manager Ken Larking explained if the City had to borrow \$126M through a referendum, there would be an annual debt service of about \$700,000 per year over thirty years (with a 3.75% interest rate) which would equate to about 31.4 cents of tax. The City would have to increase taxes 31.4 cents which would put Danville above the average for cities in Virginia as far as real estate taxes. Mayor Jones noted, it was stated earlier, this is not up to City Council, all Council is doing is voting on a Resolution of support. If this passes the General Assembly, the registered voters of the City will have an opportunity to cast their vote in favor or against this.

Council Member Whittle thanked Delegate Marshall and noted it comes down to jobs, jobs and jobs, and noted he would vote in favor of this.

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

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

### **COMMUNICATIONS**

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

### **ROLL CALL**

Council Member Miller noted he has been to Las Vegas, he doesn't gamble, but the shows and entertainment are great, and a convention center such as this will attract good entertainment. Tomorrow night, Parks and Recreation will be at the Pepsi Building to hear citizen input regarding the Riverwalk Trail, to expand the Trail into communities; Dr. Miller encouraged citizens to go and give their input. Dr. Miller wished everyone a Happy New Year, it is going to be a great year in Danville.

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Council Member Saunders welcomed Mr. Sleeper and asked the City Manager to speak with him about VIR and the water issue. Mr. Saunders thanked the City Manager and his staff for the work they are doing in Economic Development. The last Economic Development announcement had five hundred new jobs and was a big plus for the City with an average wage of \$38,000 per year. The City has had challenges, it is making progress but they are not where they were. Good things have happened and continue to happen.

Council Member Shanks noted he felt very optimistic about the community, things that happened in the past year, and things to come. He is proud of the work of City Council, the Economic Development staff and the entire City Staff. It is a team effort to recruit businesses, feels the City has had a good year and the year to come is going to be as good. Mr. Shanks wished everyone a Happy New Year and is looking forward to working with Council this year.

Vice Mayor Vogler noted Council Member Shanks and Council Member Saunders both made a lot of the points he was going to make, and stated 2019 is going to be the year of Danville, Virginia.

Council Member Campbell noted the City of Danville is blessed, it had challenges last year, but things are moving forward and 2019 will be a great year. They have a good Council that works well together where other municipalities have division. The City also works well with the County and its delegates. Reverend Campbell reminded everyone of the SCLC March this month.

Mayor Jones noted Park Avenue School has also been accredited, thanked everyone for attending the meeting and encouraged citizens to attend anytime.

The meeting adjourned at 7:40 p.m.

APPROVED:

s/ Alonzo L. Jones  
MAYOR

ATTEST:

s/ Susan M. DeMasi, CMC  
CITY CLERK