

December 7, 2021

The Regular December meeting of the Danville City Council was held on December 7, 2021, 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 P. Mayo, Vice Mayor Gary P. Miller, J. Lee Vogler, Jr., and Madison J.R. Whittle (8). Sherman M. Saunders 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.

INVOCATION

The Invocation was given by J. Lee Vogler, Jr., followed by the Pledge of Allegiance led by former Mayors Sam Kushner and John Hamlin.

ANNOUNCEMENTS AND SPECIAL RECOGNITIONS

Mayor Jones recognized Dr. Martha Walker, President of Riverview Rotary, who thanked council members who participated in the past weekend's Christmas Parade. Dr. Walker noted in 2018, Director of Parks and Recreation Bill Sgrinia asked Riverview Rotary to support and financially contribute toward the Riverfront Park in Danville. Riverview Rotary has spent the last three years working to meet their financial commitment for this park. Dr. Walker reviewed the various fund raisers the Rotary has done, and introduced Past President Glen McClanahan, Chair of the Annual Ducks on the Dan fundraiser. Mr. McClanahan explained Ducks on the Dan, acknowledged the local businesses and groups that participated and noted this event generated the funds for the donation to the Riverfront Park. Dr. Walker stated this was a community event, businesses invested, the downtown region becomes a destination for families to come together, celebrate and cheer for the ducks. Dr. Walker noted it has raised \$50,000 over three years, and the Riverview Rotary was presenting that to Council tonight. Mayor Jones and Council Members thanked the Rotarians for what they have done and for their donation.

Mayor Jones recognized Mr. Robert Livingston of Caesars Entertainment who gave Council a brief update. Mr. Livingston noted they were in Danville in September with an update on the design and were there tonight to update Council on the work that has been done. They have been doing abatement and demolition trying to get the site ready for the new construction; there was a lot of infrastructure still on the site. They did take down the water tower on the site, and they have been getting a lot of questions about the finishing plant, when and how it was going to come down. They were assessing the safest and most economical method for removing the structure, expect it to happen in March or April and it will be a lengthy process. After the building comes down it will take time to clear or repurpose the debris, and that will likely stretch into the summer. That will not slow down the project; construction will begin in other areas of the site during that demolition and remediation. Caesars has also been participating in the Master Plan process for the Main Street corridor being led by WRT, they have also started submitting for the initial round of construction permits and will continue to work closely with the City and state agencies during that process. Mr. Livingston noted on the northeast corner of the site they were creating a sediment pond that was needed for erosion control. Last week they issued an RFP to potential general contractors; bids were due in early January and their goal was to select one by the end of January. They will be looking for a contractor with the capacity to mobilize quickly to get this project underway in the spring. Representatives from a number of national and regional contractors were in town last week to meet with Caesars' design and construction team to walk the site. Once the General Contractor has been identified and mobilized they will start the new construction, and they expect that to be the hotel tower. They anticipate having a ground breaking

December 7, 2021

event, but the timing will depend on several factors; they will communicate with the City Manager on their progress. They have made commitments to the community regarding offering opportunities to local and minority owned businesses and contractors to be involved in this project, and they intend to keep those commitments. They were asking each general contractor who was bidding on this work to explain their track record working with minority contractors, plus how in particular they will reach out to a diverse array of businesses on this project. The general contractor selected will be expected to hold outreach and informational sessions with interested suppliers and contractors. While they will engage as many local contractors and suppliers as possible, they will need to go outside the area for parts of the work including the specialized aspects that were found in bigger markets. The Danville construction market was not big enough on its own to cover everything that was needed in this project. If citizens see trucks or workers from Greensboro, Charlotte, Roanoke or Richmond or some other location, that was the reason; they couldn't find that expertise in town. They were excited about putting as many local people on this project as possible and for many years to come as they open the casino.

Mayor Jones thanked Mr. Livingston for his report. Council Member Campbell noted it was important for him that minorities have an opportunity to participate, be a part of Caesars and thanked him for what he was doing. Steven Gould, legal counsel to Caesars Virginia, stated that citizens who would like to be included on the list to receive information about opportunities can email his office at info@sova.legal or call 792-2424.

COMMUNICATIONS FROM VISITORS

Mayor Jones recognized former Mayors Sam Kushner and John Hamlin; Mr. Kushner noted they were there to request that Council consider a revision of the City Seal. Mr. Kushner noted the seal of the city, at the time, represented Danville in the early 1960's when it was created. What may have been appropriate to the City in 1960, was inappropriate for what they want to say about the City today and in years to come. The seal says nothing about Danville today; it does not say that Danville was a dynamic, energetic, forward looking, welcoming community and suggested that was the message they want to present to the public. Mr. Kushner noted he understood the City was engaged in a marketing initiative and suggested that a revision of the seal might be an appropriate thing to consider. Mr. Kushner thanked Council for their attention and he brought greetings from former Mayor Seward Anderson who also supports this. Council Members thanked Mr. Kushner and Mr. Hamlin for coming before Council about this issue.

Mayor Jones recognized Reverend Cecil Bridgeforth who noted his concern with the homeless situation in Danville, stating there has to be place that they can go, not just for the night and then be put out on the streets during the day. The City needs a place where they can house their homeless and while there, provide mental health services to them. Reverend Bridgeforth noted there was a lot of work being done in Almagro but none of the citizens had been contacted to let them know what was being done, and asked in the future that when changes were about to be made, that the citizens of any community should be made aware of it. Council Members thanked Reverend Bridgeforth for coming to Council; it was good to see him back.

Mayor Jones recognized Corrie Bobe, City of Danville's Director of Economic Development who introduced two new members of her team. Ms. Bobe introduced Barbara Fiedor, the new Assistant Director of Economic Development and Lisa Merriweather, the new Tourism Manager.

Mayor Jones recognized Tommy Bennett, Danville, who noted about ten people went to Las Vegas and their first stop was Caesars; he was excited for what will be coming to Danville from Caesars.

December 7, 2021

MEETING MINUTES

Upon **Motion** by Council Member Buckner and **second** by Council Member Campbell, Minutes from the Regular Council Meeting held on November 4, 2021, were approved as presented. Draft copies of the minutes had been distributed prior to the meeting.

APPOINTMENTS

Vice Mayor Miller **moved** for adoption of the following Resolutions:

Resolution No. 2021-12.01 – Appointing Tyrell Payne to the Transportation Advisory Committee to fill the Unexpired Term of Alexis Ehrhardt ending June 30, 2025.

Resolution No. 2021-12.02 – Reappointing Kristen Barker to the Industrial Development Authority.

Resolution No. 2021-12.03 – Reappointing Landon R. Wyatt, Jr., to the Industrial Development Authority.

Resolution No. 2021-12.04 – Appointing David Cumbo to the Industrial Development Authority to fill the unexpired term of Richard Turner, ending November 20, 2022.

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

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

NEW BUSINESS

PUBLIC HEARING – CONSIDERATION OF A SPECIAL USE PERMIT FOR FAMILY DAY CARE AT 420 VAN BUREN STREET

Mayor Jones opened the floor for a Public Hearing regarding a Special Use Permit at 420 Van Buren Street. Notice of the Public Hearing was published in the *Danville Register & Bee* on November 23, 2021 and November 30, 2021. 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. 2021-12.01

GRANTING SPECIAL USE PERMIT APPLICATION PLSUP 2021-328, FILED BY TYNITA STRICKLAND-CAIN, REQUESTING A SPECIAL USE PERMIT FOR A FAMILY DAY CARE HOME IN ACCORDANCE WITH ARTICLE 3.E SECTION C.24. OF THE DANVILLE ZONING ORDINANCE AT 420 VAN BUREN STREET (PARCEL ID# 04089).

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

December 7, 2021

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

CONSIDERATION OF IMPOSING AN ADDITIONAL GENERAL LOCAL SALES TAX AND A LOCAL USE TAX AT A RATE OF ONE PERCENT

Mayor Jones opened the floor for a Public Hearing regarding an Additional Local Sales Tax and a Local Use Tax. Notice of the Public Hearing was published in the *Danville Register & Bee* on November 26, 2021.

Mayor Jones recognized Dr. Hairston, Superintendent of Danville Public Schools and School Board member Tyrell Payne. Dr. Hairston noted in March 2020, HB 486 extended an opportunity for local governing bodies in Henry County, Northhampton, Patrick County, Pittsylvania County, and the City of Danville to initiate by resolution and voter approval, a referendum for an additional sales tax to generate revenue solely for capital projects specifically directed toward new school construction and/or other major renovation projects. This transformational opportunity faced many hurdles and Dr. Hairston noted they built a foundation of support among city leadership beginning with the unanimous support of the School Board and City Council. The process was also a challenge for voters because they needed to understand the impact of not one, but two resolutions; one for the administration of sales tax and the bond referendum should the sales tax pass. Dr. Hairston thanked Council for their support during the campaign and the continued support of the Danville Public Schools. They were able to build community support through members of the community and volunteers who participated in more than 75 events throughout the community, providing information to citizens. This led to a majority "yes" vote for both referenda in each precinct. On behalf of the students, those enrolled now and those who will enroll in years to come, Dr. Hairston thanked Council and hoped that through this process of the sales tax and bond referendum, they continue to have support for education, students and educators.

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

CONSIDERATION OF AMENDING CHAPTER 37 FOR NEW ARTICLE XIII AND NEW §37-185

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

ORDINANCE NO. 2021-12.02

AN ORDINANCE AMENDING AND REORDAINING CERTAIN SECTIONS OF CHAPTER 37, ENTITLED "TAXATION," OF THE CODE OF THE CITY OF DANVILLE, VIRGINIA, BY CREATING A NEW ARTICLE XIII, ENTITLED "IMPOSITION OF ADDITIONAL SALES AND LOCAL USE TAX; USE OF REVENUES FOR CONSTRUCTION OR RENOVATION OF SCHOOLS" AND ADDING A NEW SECTION §37-185, ENTITLED "IMPOSITION OF ADDITIONAL SALES TAX; USE OF REVENUES FOR CONSTRUCTION OR RENOVATION OF SCHOOLS".

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

December 7, 2021

CONSIDERATION OF AMENDING CERTAIN SECTIONS OF CHAPTER 37 OF THE DANVILLE CITY CODE BY AMENDING ARTICLE XIII BY ADDING A NEW §37-186 ENTITLED “IMPOSITION OF ADDITIONAL LOCAL USE TAX; USE OF REVENUES FOR CONSTRUCTION OR RENOVATION OF SCHOOLS”

Upon **Motion** by Council Member Buckner and **second** by Vice Mayor Miller, an Ordinance entitled:

ORDINANCE NO. 2021-12.03

AN ORDINANCE AMENDING AND REORDAINING CERTAIN SECTIONS OF CHAPTER 37, ENTITLED “TAXATION,” OF THE CODE OF THE CITY OF DANVILLE, VIRGINIA, BY AMENDING ARTICLE XIII, ENTITLED “IMPOSITION OF ADDITIONAL SALES AND LOCAL USE TAX; USE OF REVENUES FOR CONSTRUCTION OR RENOVATION OF SCHOOLS” BY ADDING A NEW § 37-186, ENTITLED “IMPOSITION OF ADDITIONAL LOCAL USE TAX; USE OF REVENUES FOR CONSTRUCTION OR RENOVATION OF SCHOOLS”.

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

CONSIDERATION OF THE ISSUANCE, SALE AND AWARD BY THE CITY OF GENERAL OBLIGATION BONDS

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

RESOLUTION NO. 2021-12.05

PROVIDING FOR THE ISSUANCE, SALE AND AWARD BY THE CITY OF DANVILLE, VIRGINIA, OF ONE OR MORE SERIES OF GENERAL OBLIGATION PUBLIC IMPROVEMENT AND REFUNDING BONDS, HERETOFORE AUTHORIZED, PROVIDING FOR THE FORM, DETAILS AND PAYMENT OF SUCH BONDS AND PROVIDING FOR THE REFUNDING OF CERTAIN OUTSTANDING BONDS OF THE CITY.

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

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

CONSIDERATION OF APPROVING THE CITY’S PARTICIPATION IN THE PROPOSED SETTLEMENT OF OPIOID RELATED CLAIMS

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

RESOLUTION NO. 2021-12.06

A RESOLUTION OF COUNCIL OF THE CITY OF DANVILLE, VIRGINIA APPROVING OF THE CITY’S PARTICIPATION IN THE PROPOSED SETTLEMENT OF OPIOID-RELATED CLAIMS AGAINST MCKESSON, CARDINAL HEALTH, AMERISOURCEBERGEN, JANSSEN, AND THEIR RELATED CORPORATE ENTITIES, AND DIRECTING THE CITY ATTORNEY TO

December 7, 2021

EXECUTE THE DOCUMENTS NECESSARY TO EFFECTUATE CITY'S PARTICIPATION IN THE SETTLEMENTS

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

Vice Mayor Miller noted last year 100,000 people died of opioid related overdoses in this country, about 80,000 the year before. The City entered into this agreement as a class action suit against these companies who willingly knew what they were doing, knew they were addictive drugs, but promoted them as non-addictive, short-acting opioids. They were supported, unfortunately, by physicians, pharmacies, corporate entities, and drug script companies that made money. The City participated in the class action suit because of the damage that was done to communities across the country; it was costing millions for communities for rescue squads, treatment of overdoses, and mental health. This settlement was to try to make some recompense to the communities and the citizens that have suffered. Council Member Whittle noted it was a \$1M settlement over eighteen years; they should look at it again and fight it; he was pushing back on \$1M over eighteen years and still thinks they should fight.

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

VOTE: 7-1-1
AYE: Buckner, Campbell, Hood, Jones, Mayo,
Miller and Vogler (7)
NAY: Whittle (1)
ABSENT: Saunders (1)

CONSIDERATION OF AMENDING CHAPTER 1.5 OF THE DANVILLE CITY CODE TO CONFORM TO SENATE BILL 1157

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

ORDINANCE NO. 2021.12.04

AN ORDINANCE AMENDING AND REORDAINING THE CODE OF THE CITY OF DANVILLE, VIRGINIA, 1986, AS AMENDED, TO ADD A NEW CHAPTER 1.5, ENTITLED "CITY COUNCIL ELECTIONS AND ORGANIZATIONAL MEETING; SCHOOLBOARD ELECTIONS; ETC."

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

Council Member Whittle noted he disagrees with this because he feels that City Council elections get lost in national elections.

Council Member Vogler noted, whether they think the elections should be in May or November, he believes it should be up to the localities; he does not like Richmond telling localities when their elections should be. He does not agree with this bill, he understands they have to do it, they don't have a choice but maybe that will change as the General Assembly was changing.

Council Member Campbell questioned the City Attorney, if Council votes this down, what was the purpose of doing it if Council had no power. Mr. Whitfield explained Council needed to approve it, otherwise elections will continue in May, the Attorney General will intervene, and they didn't want that to happen. The City has, rather than have a Charter change which has to have the General Assembly's approval, done it with an Ordinance. Should things change in the General

December 7, 2021

Assembly on this issue, Council can go back and completely repeal this Ordinance. The Ordinance creates a new City Code section and chapter, sets up the election of the School board and the City Council, and sets the Council's meeting as the first business day of January. Mr. Whitfield stated he believes Council has to pass this Ordinance.

Mr. Vogler noted there was a completely different Governor, Lieutenant Governor and Attorney General coming in, he knows the Attorney General coming in, and from conversations, he did not agree with the bill that created all of this. If Council does not pass this, the Attorney General will get involved. If Council keeps its elections where they were, the AG would have to override it. Mr. Whitfield noted he could and the other thing was that if Council were keep the elections the way they were, citizens could actually sue the Board of Elections to overturn the elections as void. Mr. Vogler questioned if there a reason why the Council had to do this tonight, and Mr. Whitfield noted, yes, because people have started asking for petitions for the May election. If Council does not go ahead and pass it, there will be people who will be filing for an election that will be occurring in May, and it creates a bad situation for the Electoral Board and for the City. Mr. Vogler noted Council was changing it and it may change right back in a couple months, it just seems odd to him that Council could just hold off a few weeks and not maybe change it at all. Mr. Whitfield explained the way it was set up was, should the General Assembly allow localities to go back and choose their elections and Council decided they wanted to go to May, Council would direct staff to do an Ordinance repealing Chapter 1.5 of the City Code; it would be that simple. The General Assembly has to change their mind and change the law back to the way it used to be.

Vice Mayor Miller noted his agreement with what has been said, stating he was opposed to this from the beginning. Even the Virginia State Senator from Virginia Beach that introduced the Bill, her City Council was against it. He believes many City Councils and Counties were against this. He thought it would be good for the City to stand up and say, this was wrong, and see who else agreed; that was probably futile, but he did not like this being imposed by the General Assembly, he thought it was totally wrong.

Mayor Jones asked the City Attorney to reiterate what would happen with the Registrar and her staff. Mr. Whitfield explained the Registrar has held a few people off and if Council does not do this tonight, people were going to start filing for the General Election in May; that creates a bad situation for her. Staff needs to get this to Richmond, because it ultimately has to be approved by the electoral board of the State so that Danville can move the elections. Danville wants to do things lawfully.

Mr. Vogler noted he could not get behind this and was not going to vote for it. Council Member Campbell questioned if Council votes against it, that was the wrong direction and Mr. Whitfield noted that was correct. He would not be recommending this if he did not think that was what Council needed to be doing to follow the law, whether they agree with the law or not.

The Motion **FAILED** with the following vote:

VOTE: 4-4-1
AYE: Buckner, Campbell, Jones, Mayo (4)
NAY: Vogler, Whittle, Hood, Miller (4)
ABSENT: Saunders (1)

Mayor Jones questioned what does Council need to do and Mr. Whitfield noted he would have to find out; right now it will probably be brought back.

December 7, 2021

City Manager Ken Larking noted when the General Assembly enacts a law, it doesn't become effective until July of that year. If they were to change something in the next General Assembly, how does that work with the timeline; if it doesn't become effective until July, would that even work retroactively to May. Mr. Larking noted he did not know logistically how they would be able to get out of not having the election in November. Mr. Whitfield noted this can be brought back at the next meeting if someone that was on the prevailing side, which voted No, were to make the Motion. Mr. Whitfield noted he would research it.

CONSIDERATION OF AMENDING THE FISCAL YEAR 2022 BUDGET APPROPRIATION FOR CAPITAL AND SPECIAL PROJECTS

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

ORDINANCE NO. 2021-12.05

AMENDING THE FISCAL YEAR 2022 BUDGET APPROPRIATION ORDINANCE BY ANTICIPATING THE PROCEEDS FROM THE ISSUANCE OF BONDS AND APPROPRIATING SAME FOR ANTICIPATED EXPENDITURES.

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

COMMUNICATIONS

City Attorney Clarke Whitfield noted several weeks ago there was some publicity regarding the outdoor refreshment area legislation. Staff will be bringing their suggestions to Council on this.

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

Council Member Whittle questioned if Mr. Holland got his questions answered from the last meeting and Mr. Larking stated he has had several conversations via email with Mr. Holland. Staff was looking at a few improvements, but they want to avoid any work now that would have to be undone after the Corridor Study was complete.

Council Member Buckner thanked the Riverview Rotary for the work they do for the City, for the contribution to the City's Waterfront Park, and for the Christmas Parade, it was a great time.

Council Member Campbell noted it was great to see Reverend Bridgeforth and his wife at Council this evening.

Council Member Hood congratulated the new businesses that have opened over the last several months, and the months to come. A special shout out to the citizens of Danville for displaying unity, resilience and supporting this great City's growth. It was a pleasure to see Reverend Bridgeforth back.

Council Member Mayo noted it was good to see Reverend Bridgeforth and his wife, as well as Dr. Hairston and what they were doing in the schools. Mr. Mayo noted he enjoyed the Christmas Parade, seeing everyone out and was looking forward to many more. Mr. Mayo thanked the Rotary for what they have done and what they continue to do.

December 7, 2021

Vice Mayor Miller noted he was glad to see the Superintendent here tonight, they were doing a great job with the schools, and the campaign they held for the referendum. Vice Mayor Miller noted there were currently vacancies on the Employee Retirement System Board and the Building Code Board of Appeals, and encouraged eligible citizens to apply.

Council Member Vogler thanked the City Attorney for bringing up the outdoor refreshment zones; it was something he wished was possible for the City of Danville for a number of years, but Virginia law did not allow it anywhere in the way it now will be. Mr. Vogler noted he was currently serving as the President of the Kiwanis Club in Danville; this past week they had their citizen of the year banquet, and honored Dr. Albert Payne. Mr. Vogler thanked his nominating committee for the work they did to make this happen. Mr. Vogler noted he enjoyed the parade, riding in the classic cars and thanked everyone who made the parade happen.

Mayor Jones noted City staff and the Riverview Rotary made the parade a great success; Marc Aron introduced every float, everyone in the parade and did a great job. Mayor Jones stated Education was Council's number one priority and there were some exciting things happening in education. All across the State of Virginia, schools had decreased numbers of students and Danville City was increasing; that was due to the forward thinking of Dr. Hairston and the School Board, with the Virtual Academy. It took the leadership of Dr. Hairston, her team and the school board members to get the referendum passed, and thanked them for the work they did. Mayor Jones thanked the Riverview Rotary for being at Council, presenting the check and for being partners with businesses and with the City. They will continue to keep Reverend Bridgeforth and his family in their prayers.

ADJOURNED: 8:35 P.M.

APPROVED:

s/Alonzo L. Jones
MAYOR

ATTEST:

s/Susan M. DeMasi, CMC
CITY CLERK