

December 21, 2021

The Second Regular December meeting of the Danville City Council was held on December 21, 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, Sherman M. Saunders, J. Lee Vogler, Jr., and Madison J.R. Whittle (9). *Mr. Whittle entered the meeting at 7:02 p.m.*

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 Sherman M. Saunders, followed by the Pledge of Allegiance.

### **COMMUNICATIONS FROM VISITORS**

Mayor Jones recognized David Decker from the Knights of Columbus who noted their principles were charity, unity and fraternity. Mr. Decker discussed the various charitable works done by the Knights, including their support of the Catholic Church and School, as they were a Catholic men's organization, Cops for Kids, Haven of the Dan, House of Hope, Sherman Saunders' Court, Pregnancy Solutions, SNAP, COVAR, and Coats for Kids. Council thanked them for the work they were doing for the citizens.

### **CONSENT AGENDA**

Mayor Jones opened the floor for a Public Hearing regarding Budget Appropriation Items on the Consent Agenda. Notice of the Public Hearing was published in the *Danville Register & Bee* on December 14, 2021. No one present desired to be heard and the Public Hearing was closed.

Council Member Campbell **moved** for adoption of the following Consent Agenda Items:

Minutes from the Regular Council Meeting held on November 16, 2021. Draft copies of the minutes had been distributed prior to the meeting.

#### Amending the Fiscal Year 2022 Budget Appropriation for Capital and Special Projects

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.

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

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

### **OLD BUSINESS**

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

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

Council Member Buckner **moved** for Adoption of 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".

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

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

**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"**

Council Member Buckner **moved** for adoption of 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".

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

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

**APPOINTMENTS**

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

**Resolution No. 2021-12.07**– Reappointing Lawrence Meder to the Building Code Board of Appeals

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**Resolution No. 2021-12.08** – Reappointing Samuel Thomas to the Building Code Board of Appeals.

**Resolution No. 2021-12.09** – Appointing Helm Dobbins to the Employee Retirement System.

**Resolution No. 2021-12.10** – Reappointing Matthew Bailey to the Fair Housing Board.

**Resolution No. 2021-12.11** – Reappointing Manuel Dodson to the Planning Commission.

**Resolution No. 2021-12.12** – Reappointing Robert S. Petrick to the Planning Commission.

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

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

### **NEW BUSINESS**

#### **REVIEW OF GENERAL FUND FINANCIALS THROUGH NOVEMBER 30, 2021**

Chief Financial Officer Michael Adkins gave a Review of the General Fund Financials through November 30, 2021 which marks the fifth month of the fiscal year and 42% complete. The City wound up its first collection period of Real Estate and Personal Property Taxes, and have had strong collections. Because of timing differences, the City collected more in November than last year as there were a couple more business days in November, after Thanksgiving, for collections. By the end of December, they like to be at least at 50% of budget for current Real Estate taxes; right now, the City was at 52% and still had a few days left in the calendar year. Delinquent Real Estate Tax collections were also very good; they completed a very successful auction of abandoned properties a few weeks ago, and all the properties were purchased. Those numbers were not reflected in these results, but they were still at 48% of budget for delinquent real estate tax collections, at \$515,000. Personal property taxes also showed good collection, just slightly above where the City was last year. Looking at what was collected through December at this point, the City will definitely be at 50% or better at the end of the calendar year. Local Consumer Taxes were also performing very well; Sales Tax was at \$4.4M at the end of November, 44% of budget, and about \$366,000 more than last year at this time. Meals Tax was really performing well at \$4.1M, 48% of budget, and an increase of \$812,000 over last year. Lodging Taxes had smaller numbers, but the difference was great, \$948,000 at the end of November, 63% of budget and \$281,000 more than last year. Consumer driven local taxes were performing well this year. All of the State and Federal Revenues were on target with budget and there were no concerns there. Departmental Expenditures were at 38% of budget, trailing budget which was what staff liked to see through the year. Non-Departmental Expenditures, which were primarily Debt Service and Group Health Premiums, were both right on target at 42% of budget at the end of November. There were no concerns with the General Fund, and things look very positive.

Mr. Adkins noted the City was completing their traditional General Obligation Bond issuance this week; they will close on the 29<sup>th</sup> of December. The Interest Rate they were able to secure this year for that borrowing was 1.8%. After the first of the year, they will begin focusing on the School Bonds that will be funded by the 1% local sales tax option and will be working closely with the School Board to determine of the cash flow needed.

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The Annual Audit report has been delayed because of some external reports that were needed to complete; they do not impact the General Fund Financial results, but were related to the Actuary Statement related to the Retirement Plan which were delayed this year. Mr. Adkins noted he anticipated Brown Edwards, the City's external auditor, will be at the City by the end of January to present this to Council. The Actuary Report for the Retirement System shows that the City was well funded at above 100% in the retirement system.

**CONSIDERATION OF OFFICIAL INTENT TO REIMBURSE EXPENDITURES WITH PROCEEDS OF A BORROWING**

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

**RESOLUTION NO. 2021-12.13**

RESOLUTION OF OFFICIAL INTENT TO REIMBURSE EXPENDITURES WITH PROCEEDS OF A BORROWING.

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

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

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

Council Member Buckner **moved** to renew his Motion to approve an Ordinance entitled:

**ORDINANCE NO. 2021-12.06**

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 Saunders.

Council Member Saunders noted last year there was talk about plans for the elections to be in November. As a member of Virginia First Cities, representing the City of Danville, he opposed it and the Board did as well. Also, VML, the Virginia Municipal League, opposed it. In terms of it being in November, for a number of reasons the General Assembly made the decision, and the City has no choice but to do what they say, once the Governor signed the bill. Mr. Saunders stated he was also concerned about what this means for local government. Danville City Council elections have about 10,000 votes average; the national November elections have about 30,000 votes. Council does not want to get lost in national elections. While he prefers May, Council had no choice, it was the law, they cannot change it and he will support it.

Council Member Vogler noted they discussed this at length at the last meeting. Last year, in 2020, their election was moved around several times, and he thinks May was better. The point some of them were trying to make at the last meeting was that they felt strongly that this decision should be left to localities, not the General Assembly. It was probably too late for anything to

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happen this year; even if the General Assembly overturns it, it wouldn't take effect until after when the May election would be. But in the last couple of weeks, after what Council did what they did, he received texts and phone calls from General Assembly members from around the state thanking them because they brought the conversation back and it will make it easier for it to be revisited during the General Assembly this year. Vice Mayor Miller noted there was not a lot they could do about it right now, but hoped it was brought up again and reverted back to control of the local jurisdictions. In response to Council Member Whittle, City Attorney Clarke Whitfield explained what the General Assembly said was, localities shall vote to adopt an Ordinance to move their elections to November. They didn't just move the elections to November, they said localities shall vote to do that.

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

VOTE: 5-4  
AYE: Buckner, Campbell, Jones, Mayo,  
Saunders (5)  
NAY: Miller, Vogler, Whittle and Hood (4)

### **COMMUNICATIONS**

City Manager Ken Larking noted he wanted to take this opportunity, on behalf of the employees of the City of Danville, to thank Council for their support of all the employees and what they do every day to try to serve the community. They feel like they were supported, that City Council was behind them when they were serving the public, and the employees appreciate that. Mr. Larking noted he would like to offer his appreciation to his coworkers, from department heads to everyone throughout the organization; he feels blessed to work with some great, competent people who were doing a great job on behalf of the community.

Mr. Larking noted a few months ago, he and the Deputy City Manager talked about how the organization needed to have an Equity Officer. This position was one a lot of local governments were taking on to make sure they were being as proactive as possible, examining policies, procedures and services to ensure that the City was keeping a good eye on diversity, equity and inclusion within all the areas. They felt it appropriate to appoint an existing position, Assistant to the City Manager, Amanda Paez, to the Equity Officer position. As a member of the City Manager's office, she has the ability to independently review all the departments to ensure that they were following best practices in those areas.

Ms. Paez noted she was extremely excited to be there tonight and lead the organization's diversity, equity, and inclusion efforts. Danville's 2020 All-America City designation was based on health equity – how the community recognized the problem, assessed the issues and data, and tackled it in a comprehensive way to improve outcomes. She plans to approach the City's DEI efforts in a similar way. Since this was new territory for the organization, the plan was to start internally and let the program grow. This can involve assessing each city department to determine if services provided or policies impact different groups differently. It can also mean taking a hard look at how they engage employees, recruit new employees, and foster an organizational culture where public servants feel valued while serving the community at the highest level. She looks forward to keeping Council updated as this program develops.

City Attorney Clarke Whitfield thanked Council for their support of his office, they were very thankful to be working for this Council and was also thankful for the collegial relationship he has with the City Manager's office and all the Department Directors; the City does have a really strong team and was

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proud to be a part of it. Mr. Whitfield wished everyone a very Merry Christmas and the best, blessed New Year they have ever had.

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

Council Member Saunders thanked Dr. Angela Hairston for all she has done for the school system, and wished a Merry Christmas to the Mayor, Council Members, staff and all the citizens.

Council Member Vogler wished a Merry Christmas and Happy New Year to all citizens, City employees and members of Council; he enjoyed working with them and was excited about the upcoming year. Mr. Vogler noted he would like to talk about taking care of senior citizens in Danville, and the real estate tax relief option for seniors. He believed the current income limit was too low for the current economic climate, and should be adjusted. Mr. Vogler hoped that Council looked at this in the upcoming months to help senior and disabled citizens.

Council Member Whittle wished everyone a Merry Christmas.

Council Member Buckner wished everyone a Merry Christmas and thanked the City Manager and all City employees for the wonderful job they do; he looked forward to seeing what 2022 brings for the City.

Council Member Campbell wished everyone a Merry Christmas and a Happy New Year.

Council Member Hood noted it was an honor to be of service to the City, thanked the Council Members and Mayor, and asked citizens to continue to encourage one another and get more involved with the City government. Mr. Hood wished everyone a Merry Christmas and a Happy New Year.

Council Member Mayo wished everyone a Merry Christmas and congratulated Ms. Paez on her new role in the City.

Vice Mayor Miller noted he watched the Weather Channel early one morning and they were highlighting God's Pit Crew and the work they were doing in Kentucky with the victims of the tornado. Dr. Miller noted thanks to Council Member Vogler and other volunteers, the Harry Johnson Basketball Tournament will be in Danville on the 27<sup>th</sup> through the 29<sup>th</sup>. Dr. Miller encouraged citizens to get their vaccines, get their booster and wear a mask.

Mayor Jones thanked Council Member Saunders for the Invocation, reminded citizens about the basketball tournament, encouraged them to enjoy their friends and family and wished everyone a Merry Christmas.

ADJOURNED: 7:41 P.M.

APPROVED:

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MAYOR

ATTEST:

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CITY CLERK