

December 3, 2019

The Regular December meeting of the Danville City Council was held on December 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, Adam J. Tomer, Vice Mayor J. Lee Vogler, Jr., and Madison J.R. Whittle (9).

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.

Mayor Jones presided.

INVOCATION AND PLEDGE OF ALLEGIANCE

The Invocation was given by Council Member L.G. "Larry" Campbell, Jr.; the Invocation was followed by the Pledge of Allegiance to the Flag.

COMMUNICATIONS FROM VISITORS

Mayor Jones noted Council has been hearing about Sanctuary Cities for the Second Amendment, and stated the Constitution, in the Second Amendment, protects the individual right to keep and bear arms; it was ratified on December 15, 1791 as part of the Bill of Rights. Council will be taking citizens' concerns under consideration.

Mayor Jones recognized Joshua Jennings, owner of Guns, Gear & Ammo, Cascade, VA, who spoke and requested Council address the concerns of Danville residents and business owners who enjoy Second Amendment rights.

Mayor Jones recognized Chuck Vipperman, Danville, VA, who asked City Council to lend their voice to other localities who are insisting that the General Assembly pass Constitutional laws, and include it in the City's Legislative Priorities, asking the General Assembly not to pass gun laws that would make felons out of citizens who have done nothing wrong.

Mayor Jones recognized Keith Collins, Danville, VA who proposed a resolution in which the City of Danville declares that it will not use its municipal resources to enforce unconstitutional gun laws which may be coming from Richmond, and become a Second Amendment Sanctuary City.

Mayor Jones thanked the citizens for coming out tonight and Council will take all their comments and concerns under advisement.

Mayor Jones recognized Reverend Cecil Bridgeforth who discussed his concerns with Danville Public Schools, the homeless in Danville, and a street next to his church on Betts Street that the City no longer maintains; the Church uses it as an exit and would like the City to maintain it. Council Member Campbell noted he appreciated Reverend Bridgeforth's concern about the schools, he had the same concerns and asked what the City could do; Reverend Bridgeforth stated it came down to accountability. The School Board, the Superintendent, Administration, Teachers, Parents and Students need to be held accountable, as well as the community.

Mayor Jones again thanked the citizens for coming to the Council Meeting tonight.

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CONSENT AGENDA

Council Member Saunders **moved** for adoption of the following Consent Agenda items:

Minutes from the Regular Council Meeting held on November 7, 2019, and Minutes from Special Work Session held on November 7, 2019. Draft copies of the Minutes had been distributed prior to the meeting.

Budget Amendment – Consideration of Amending the Fiscal Year 2020 Budget Appropriation Ordinance for a Grant from the Virginia Fire Services Board in the Amount of \$45,381

Ordinance No. 2019-11.05, Presented by its First Reading on November 19, 2019, Amending the Fiscal Year 2020 Budget Appropriation Ordinance to Provide for a Grant from the Virginia Fire Services Board in the Amount of \$45,381 for Upgrades and Repairs to the Danville and Pittsylvania County Regional Fire Training Center Burn Building.

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

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

APPOINTMENTS

Vice Mayor Vogler noted the Committee on Appointments makes the following recommendations, and City Council will vote on them at their next business session.

Employee Retirement System -	Reappoint Linwood Wright and Gus Dolianitis
Fair Housing Board -	Reappoint Katherine Harvell
Industrial Development Authority -	Appoint Kristen Barker
Planning Commission -	Appoint Ann Evans and Arthur Craft

NEW BUSINESS

BUDGET AMENDMENT – CONSIDERATION OF AMENDING THE FISCAL YEAR 2020 BUDGET APPROPRIATION ORDINANCE FOR A LITTER CONTROL AND RECYCLING GRANT

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

ORDINANCE NO. 2019-12.01

AMENDING THE FISCAL YEAR 2020 BUDGET APPROPRIATION ORDINANCE TO ANTICIPATE GRANT FUNDS FROM THE COMMONWEALTH OF VIRGINIA FOR LITTER CONTROL AND RECYCLING EFFORTS IN THE AMOUNT OF \$7,498 AND APPROPRIATING SAME

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

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BUDGET AMENDMENT – CONSIDERATION OF AMENDING THE FISCAL YEAR 2020 BUDGET APPROPRIATION ORDINANCE IN THE AMOUNT OF \$34,281 FROM THE EDWARD BYRNE MEMORIAL ASSISTANCE GRANT PROGRAM

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

ORDINANCE NO. 2019-12.02

AMENDING THE FISCAL YEAR 2020 BUDGET APPROPRIATION ORDINANCE BY INCREASING REVENUE FOR THE 2019 EDWARD BYRNE MEMORIAL JUSTICE ASSISTANCE GRANT (JAG) PROGRAM AWARD IN THE AMOUNT OF \$34,281 TO BE USED TO IMPLEMENT A FORENSIC 3D LASER SCANNER PROJECT

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

PUBLIC HEARING – AUTHORIZING THE ABANDONMENT OF FOUR (4) UNUSED CITY EASEMENTS

Mayor Jones opened the floor for a Public Hearing regarding Abandoning Four City Easements. Notice of the Public Hearing was published in the *Danville Register & Bee* on November 25, 2019 and December 2, 2019. No one present desired to be heard and the Public Hearing was closed.

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

RESOLUTION NO. 2019-12.01

AUTHORIZING THE ABANDONMENT OF FOUR (4) UNUSED CITY EASEMENTS ACROSS SURPLUS INDUSTRIAL DEVELOPMENT AUTHORITY PROPERTY IN PITTSYLVANIA COUNTY TO ENABLE THE PROPERTY TO BE SOLD

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

PUBLIC HEARING – AMENDING CHAPTER 41 OF THE DANVILLE CITY CODE REGARDING SIGNS

Mayor Jones opened the floor for a Public Hearing regarding Amending Chapter 41 of the Danville City Code. Notice of the Public Hearing was published in the *Danville Register & Bee* on November 19, 2019 and November 26, 2019. Mayor Jones recognized Tom Powers, appearing on behalf of Averett for the change in the Code to allow Averett to put up a new sign. No one further desired to be heard and the Public Hearing was closed.

Vice Mayor Vogler **moved** for adoption of an Ordinance entitled:

ORDINANCE NO. 2019-12.03

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AMENDING CHAPTER 41, ENTITLED "ZONING ORDINANCE" OF THE CODE OF THE CITY OF DANVILLE, VIRGINIA, 1986, AS AMENDED, MORE SPECIFICALLY VARIOUS SECTIONS AND SUBSECTIONS OF ARTICLE 3.I, ENTITLED "TO-C, TRANSITIONAL OFFICE DISTRICT", ARTICLE 3.J, ENTITLED "N-C NEIGHBORHOOD COMMERCIAL DISTRICT", ARTICLE 3.K, ENTITLED "CB-C, CENTRAL BUSINESS DISTRICT", AND ARTICLE 3.L, ENTITLED "TW-C, TOBACCO WAREHOUSE DISTRICT" TO ALLOW FOR WAIVERS OF MAXIMUM SIGN AREA BY SPECIAL USE PERMIT; TO AMEND ARTICLE 10, ENTITLED "SIGN REGULATIONS", SECTION M, ENTITLED "PERMITTED SIGNAGE IN THE N-C AND TO-C COMMERCIAL DISTRICTS". SECTION N, ENTITLED "PERMITTED SIGNS IN THE CB-C, CENTRAL BUSINESS DISTRICT", AND SECTION O, ENTITLED "PERMITTED SIGNS IN THE TW-C TOBACCO WAREHOUSE COMMERCIAL DISTRICT" TO ALLOW FOR THE MAXIMUM SIZE OF SIGNS PERMITTED BY SPECIAL USE PERMIT TO MATCH THE LIMITATIONS SET FORTH IN SECTION P, "ENTITLED PERMITTED SIGNS IN THE HIGHWAY RETAIL, HR-C AND PLANNED SHOPPING CENTER, PS-C, COMMERCIAL DISTRICTS".

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

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

PUBLIC HEARING – GRANTING A SPECIAL USE PERMIT AT 707 MOUNT CROSS ROAD

Mayor Jones opened the floor for a Public Hearing regarding Granting a Special Use Permit at 707 Mount Cross Road. Notice of the Public Hearing was published in the *Danville Register & Bee* on November 19, 2019 and November 26, 2019. Mayor Jones recognized Tom Powers, who noted he represented Averett University on this item. 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. 2019-12.04

GRANTING SPECIAL USE PERMIT APPLICATION PLSUP20190000388, FILED BY POWERS SIGNS INC., ON BEHALF OF AVERETT UNIVERSITY, REQUESTING A SPECIAL USE PERMIT FOR A WAIVER TO MAXIMUM SIGN AREA IN ACCORDANCE WITH ARTICLE 3.I, SECTION C, ITEM 25 OF THE ZONING ORDINANCE OF THE CODE OF CITY OF DANVILLE, VIRGINIA, 1986, AS AMENDED, AT 707 MOUNT CROSS ROAD, OTHERWISE KNOWN AS GRID 0708, BLOCK 003, PARCEL 000004 OF THE CITY OF DANVILLE, VIRGINIA ZONING DISTRICT MAP. THE APPLICANT IS PROPOSING TO ERECT A SIGN LARGER THAN PERMITTED UNDER ARTICLE 10, SECTION M.

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

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

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PUBLIC HEARING – GRANTING A SPECIAL USE PERMIT AT 103 FRANKLIN TURNPIKE

Mayor Jones opened the floor for a Public Hearing regarding a Special Use Permit at 103 Franklin Turnpike. Notice of the Public Hearing was published in the *Danville Register & Bee* on November 19, 2019 and November 26, 2019. Mayor Jones recognized Kirpal Singh representing Charlie's Stop & Shop for a Special Use Permit. Mr. Singh discussed his concerns on having to get a Special Use Permit, going before the Planning Commission three times, the requirements that were needed to be met and multiple inspections. Mr. Singh noted people will go to the County to play the machines if they are shut down in the City and will take their business out there. No one further desired to be heard and the Public Hearing was closed.

Council Member Shanks made a Substitute Motion and **moved to Remand to the Planning Commission**:

ORDINANCE NO. 2019-12.05

GRANTING SPECIAL USE PERMIT APPLICATION PLSUP20190000295, FILED BY JAGJIT SINGH ON BEHALF OF KAUR & SONS LLC, REQUESTING A SPECIAL USE PERMIT FOR COMMERCIAL RECREATION (INDOOR) IN ACCORDANCE WITH ARTICLE 3.M, SECTION C, ITEM 4 OF THE ZONING ORDINANCE OF THE CODE OF CITY OF DANVILLE, VIRGINIA, 1986, AS AMENDED, AT 103 FRANKLIN TURNPIKE, OTHERWISE KNOWN AS GRID 2806, BLOCK 009, PARCEL 000010 OF THE CITY OF DANVILLE, VIRGINIA ZONING DISTRICT MAP.

Mr. Shanks noted he would request that the Planning Commission review the nature of the proposed activity, and its unique characteristics, and determine an accurate Zoning Category, Classification, and/or Use and a distinct Definition, which may include distinct levels of use, and report their findings in the form of a recommendation to City Council.

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

Mr. Shanks noted, at the last Zoning hearing, Council heard one case, and after much discussion on that one case, denied the application for numerous reasons due to the concerns Council all had in placement of machines, age of participants (there is no legal age limit), supervision of machines and participants, additional security personnel needed and the potential for sizeable cash earnings on patrons in or leaving the store.

The fact that Council had such a long discussion clearly exemplifies this is a use inconsistent with other uses Council has seen when considering Special Use Permits for "Commercial Indoor Recreation." These concerns are circumstances that are unique to indoor recreation, but not unique for this and each of the remaining cases. Mr. Shank noted his Point of Order is this. This was not a Bounce House. This was not a mini-golf course. This was not a video arcade. This was not an indoor playhouse for children. This was not even a hatchet throwing or escape room. It was none of those. That was indoor recreation. This was not a commercial indoor recreation use. This was obviously much different. If it was not indoor recreational use, what was it? This use was actually an activity more similar to activities that Senate Bill 126 contemplates, which was introduced in the General Assembly last year and has been under study and deliberation to this day, and likely for several more months.

Mr. Shanks noted this zoning case reminded him of a Danville zoning case in 2009. The case involved a homeless shelter, which was a use not defined by the City Code or the City Zoning

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Code. Since it was not defined, it was not allowed by special use permit. Period. It just so happened, a quirk in the City's Zoning Code definition of hotel/motel, and in order for the case to go forward, the case considered the applicant, not a homeless shelter, but a hotel/motel, but it had one less room that it had to have by Code, so they added another room to make it a six room homeless shelter, to meet the (then) definition of hotel. Until the City Planning Commission met and wrote a definition for a homeless shelter, had a public hearing, adopted the definition and sent it to City Council for a public hearing and City Council adoption, the case could not move forward. That was exactly what should occur in this case. This was identical to that. The existing definitions do not match the unique circumstances and intended use of these applications. Mr. Shanks stated he was not sure Planning Director Ken Gillie was with the City then, but he have the minutes, and his summary of the 2009 case was accurate, and knows Councilmen Campbell, Miller, Saunders, and Tomer were on Council with him at the time and should remember the case.

Mr. Shanks stated he has a substitute motion that he read and presented to Council tonight, and hopes they will consider this. It was his intention that the Motion is to Remand back to the Planning Commission, the unique nature of this business, come forward with that recommendation, allow these same applicants to continue with their process, and not having to reapply, get the language right for a definition, and the cases could be re-reviewed by the Planning Commission and to City Council Mr. Shanks noted he thinks this was exactly similar to the case in 2009 and hope that fellow City Council Members will vote likewise.

Council Member Tomer questioned the substitute motion, would that include businesses that are already operating these machines under recreation. Mr. Shanks stated it included all the applications that have come forward to this time and any that come forward after this time. Mr. Tomer asked about a business operating as recreation now. Mr. Shanks stated he was not trying to change a legal conforming use; he was trying to address the issues that have come forward with these new zoning cases for special use permits.

Council Member Campbell thanked Mr. Shanks for his comments. Council had a situation at the last Council Meeting, and feels they need to study it, have clarity on it and be fair to the merchants, and to the City's future. Vice Mayor Vogler noted the State was looking at the issue of these machines, it was up in the air about what the State was going to do with them that may or may not influence this. Council Member Miller noted his agreement with Mr. Vogler; the state legislature will take up the legality of the grey machines and where they fit in the overall gaming laws. They are not currently under gaming, and they are not paying gaming tax. Dr. Miller noted there was currently a lawsuit in Charlottesville and thinks it would be premature for the City to approve any of these applications; what Mr. Shanks proposed was very reasonable.

Mr. Shanks noted he wanted to clarify one thing, this was not intended to be a denial of any of the applications, nor was it intended that the applicant pay any additional application fees. It was intended that the cases be reheard within whatever staff feels was a reasonable amount of time. If the applicant wants to move the application forward, they will have to re-express interest.

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

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

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Mayor Jones asked the City Attorney to explain to the applicant what Council Member Shanks means. Mr. Whitfield explained, Mr. Shanks has sent it back to the Planning Commission and they were tasked with coming up with a specific and precise definition for indoor commercial use for this particular category of commercial indoor recreation. Once that has come through the process, they can come back to the City Council. This was not a denial, it was a remand for a postponement and there are to be no additional fees charged for those who have applied.

PUBLIC HEARING – GRANTING A SPECIAL USE PERMIT AT 3585 RIVERSIDE DRIVE

Mayor Jones opened the floor for a Public Hearing regarding a Special Use Permit at 3585 Riverside Drive. Notice of the Public Hearing was published in the *Danville Register & Bee* on November 19, 2019 and November 26, 2019.

Mayor Jones recognized Darren Chapman, representing Texas Steak & Ale. Mr. Chapman noted they support all the recommendations and conditions set forth by the Planning Commission. No one further desired to be heard and the Public Hearing was closed.

Council Member Shanks moved to **Remand Back to the Planning Commission**, for the same considerations of the Planning Commission and their Code recommendations:

ORDINANCE NO. 2019-12.06

GRANTING A SPECIAL USE PERMIT FOR COMMERCIAL RECREATION (INDOOR) IN ACCORDANCE WITH ARTICLE 3.M, SECTION C, ITEM 4 OF THE ZONING ORDINANCE OF THE CODE OF CITY OF DANVILLE, VIRGINIA, 1986, AS AMENDED, AT 3585 RIVERSIDE DRIVE, OTHERWISE KNOWN AS GRID 1713, BLOCK 002, PARCEL 000001 OF THE CITY OF DANVILLE, VIRGINIA ZONING DISTRICT MAP.

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

Council Member Tomer stated this goes back to his comment on how Council was going to handle those existing under this regulation, because now there was a restaurant that wants to do this. There are other restaurants existing that are doing it, he wants to make sure Council was treating people fairly. He would like to see the definition incorporate it for all so everyone was on a level playing field. A restaurant or business that was doing this now falls under the umbrella of what recreation was, but then the definition would be different for new applicants, he has some issues with that. Mr. Buckner noted he did not recall approving one for Kick Back Jacks and Mr. Tomer stated they already have a special use permit for recreation, which was his point. Now they have another restaurant that wants to do it.

Zoning Administrator Ken Gillie explained Kick Back Jacks was granted a special use permit for twenty machines, but they weren't envisioned to be this type of machine. They have a special use permit, it does say electronic gaming machines, and that was why they are operating them. The other facilities that were mentioned, he has not been able to determine them or not. The ones they did find, they sent notices to them telling them they needed the special use permit and that was why they were here tonight. Mr. Shanks questioned if that would be similar to a legal nonconforming use and Mr. Gillie noted potentially it could be. It also depends on if the State does something with the machines, the outcome of the case in Charlottesville and potentially other localities. Mr. Shanks stated the most immediate effect would be legal nonconforming and Mr. Gillie noted that was how he was looking at them. The others didn't have the special use permit required that Kick Back Jacks did, that was why he didn't send a violation notice to them.

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Vice Mayor Vogler noted at the time they were probably looking at arcade type games; the way that the law was written, those machines fall under the same category as an arcade game. Mr. Campbell questioned the parking requirements and Mr. Gillie explained for a restaurant it was calculated on the number of fixed seats and employees. The facilities that are coming tonight, convenience stores, have much smaller parking because the change over was much quicker; people don't spend large amounts of time there. The machines are monopolizing people's time, they are spending more time at the facilities than in the past and that was why there are additional parking requirements. Council Member Campbell questioned if security was a consideration and Mr. Gillie said it was, that was why they added a recommendation about the windows being clear so people can see inside the facilities. They tried to address parking, public safety, health, and welfare through the conditions they recommended.

Mr. Tomer noted he had a problem with Council grandfathering someone in and then another restaurant comes; he does not think the gaming machines fall under electronic games, like Pacman. He has an issue on whether to grant or not, they want the same thing that Council allowed, and wished everyone was on the same footing with a set definition, and treat everyone the same. Mr. Larking suggested that staff work with the City Attorney to look at the concerns that have been expressed by Council Members with regard to the legal, non-conforming use. Once a definition was developed by the Planning Commission, gone through their process and approved by City Council, whether or not that grey area becomes more black and white and then something can be done at that point.

Dr. Miller noted currently, the Commissioner of Revenue has no way to track the machines or winnings, and questioned if it was possible for Council to develop an ordinance that if they do become legal from the State, to better track the machines. Mr. Whitfield noted they would need to research that, have a conversation among staff to bring back to Council.

After further discussion the **Motion** passed by the following vote:

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

City Attorney Clarke Whitfield explained the item has been remanded back to the Planning Commission; they have been tasked with coming up with a specific definition for this type of use or activity. There are no fees for reapplications. Once the Planning Commission comes up with that, they will be able to reappear before Council. Mr. Chapman stated he agrees with many of the points that have been made, there wasn't a clear definition of these machines. There will be a guest that goes to Kickback Jacks to play the game that won't come to his establishment.

PUBLIC HEARING – GRANTING A SPECIAL USE PERMIT AT 395 MOUNT CROSS ROAD

Mayor Jones opened the floor for a Public Hearing regarding a Special Use Permit at 395 Mount Cross Road. Notice of the Public Hearing was published in the *Danville Register & Bee* on November 19, 2019 and November 26, 2019.

Mayor Jones recognized Kirpal Singh representing the store at 395 Mount Cross Road, Quick and Plenty, who noted there were questions raised he did not agree with, such as the City not being able to go into private organizations to verify the presence of machines. Mr. Singh

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discussed security in convenience stores, parking requirements, and potential loss of revenue.

Mayor Jones recognized Harold Garrison, a member of the Planning Commission, who stated. the Planning Commission has spent a lot of time over the last three months on these cases and his thought was the cases should come to City Council with conditions so that City Council could make the decision. When they start trying to define every type of indoor recreation, the City will get into more trouble because technology was always ahead of the Code. Someone will come up with something, after they define what indoor recreation was specifically, with something they have not thought about. No one further desired to be heard and the Public Hearing was closed.

Council Member Shanks **moved to Remand Back to the Planning Commission**, along with the request that the Planning Commission review the nature of proposed activity consistent with his previous motion:

ORDINANCE NO. 2019-12.07

GRANTING SPECIAL USE PERMIT APPLICATION PLSUP20190000294, FILED BY JAGJIT SINGH ON BEHALF OF SUHASONS INC., REQUESTING A SPECIAL USE PERMIT FOR COMMERCIAL RECREATION (INDOOR) IN ACCORDANCE WITH ARTICLE 3.M, SECTION C, ITEM 4 OF THE ZONING ORDINANCE OF THE CODE OF CITY OF DANVILLE, VIRGINIA, 1986, AS AMENDED, AT 395 MOUNT CROSS ROAD, OTHERWISE KNOWN AS GRID 1709, BLOCK 004, PARCEL 000002 OF THE CITY OF DANVILLE, VIRGINIA ZONING DISTRICT MAP.

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

Mr. Shanks stated the Planning Commission has been looking for guidance from Council and that was what the intended motion was to do, to give some guidance as far as what City Council would like them to do.

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

PUBLIC HEARING – GRANTING A SPECIAL USE PERMIT AT 1371 PINEY FOREST ROAD

Mayor Jones opened the floor for a Public Hearing regarding a Special Use Permit at 1371 Piney Forest Road. Notice of the Public Hearing was published in the *Danville Register & Bee* on November 19, 2019 and November 26, 2019.

Mayor Jones recognized Mohammad Khan, owner of Hilltop Mart on Piney Forest Road. Mr. Khan noted that Mr. Singh explained most of the concerns, but his business was going down because most of the customers, when they come to play the machines, they will buy something, but now they are not coming because they can play the machines in the County. Mr. Kahn discussed the parking requirements and distributed pictures of the store to Council.

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Mayor Jones recognized Kirpal Singh who also commented on the parking requirements. No one further desired to be heard and the Public Hearing was closed.

Council Member Shanks **moved to Remand Back to the Planning Commission**, along with the request that the Planning Commission review the nature of proposed activity consistent with his previous motion:

ORDINANCE NO. 2019-12.08

GRANTING SPECIAL USE PERMIT APPLICATION PLSUP201900000303, FILED BY MOHAMMAD NAWAZ KHAN ON BEHALF OF ELEGANCE INVESTMENT LLC, REQUESTING A SPECIAL USE PERMIT FOR COMMERCIAL RECREATION (INDOOR) IN ACCORDANCE WITH ARTICLE 3.M, SECTION C, ITEM 4 OF THE ZONING ORDINANCE OF THE CODE OF CITY OF DANVILLE, VIRGINIA, 1986, AS AMENDED, AT 730 PINEY FOREST ROAD, OTHERWISE KNOWN AS GRID 1815, PARCEL 003, PARCEL 000006 OF THE CITY OF DANVILLE, VIRGINIA ZONING DISTRICT MAP.

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

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

PUBLIC HEARING – DENYING A SPECIAL USE PERMIT AT 4800 RIVERSIDE DRIVE

Mayor Jones opened the floor for a Public Hearing regarding Denying a Special Use Permit at 4800 Riverside Drive. Notice of the Public Hearing was published in the *Danville Register & Bee* on November 19, 2019 and November 26, 2019. No one present desired to be heard the Public Hearing was closed.

Council Member Shanks **moved to Remand Back to the Planning Commission**, along with the request that the Planning Commission review the nature of proposed activity consistent with his previous motion:

RESOLUTION NO. 2019-12.02

DENYING SPECIAL USE PERMIT APPLICATION PLSUP201900000290, FILED BY HEWA JAYAWARDENA ON BEHALF OF JERRY DAVIS, REQUESTING A SPECIAL USE PERMIT FOR COMMERCIAL RECREATION (INDOOR) IN ACCORDANCE WITH ARTICLE 3.M, SECTION C, ITEM 4 OF THE ZONING ORDINANCE OF THE CODE OF CITY OF DANVILLE, VIRGINIA, 1986, AS AMENDED, AT 4800 RIVERSIDE DRIVE OTHERWISE KNOWN AS GRID 0709, BLOCK 002, PARCEL 000019 OF THE CITY OF DANVILLE, VIRGINIA ZONING DISTRICT MAP.

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

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

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PUBLIC HEARING – DENYING A SPECIAL USE PERMIT AT 1501 WEST MAIN STREET

Mayor Jones opened the floor for a Public Hearing regarding Denying a Special Use Permit at 1501 West Main Street. Notice of the Public Hearing was published in the *Danville Register & Bee* on November 19, 2019 and November 26, 2019. No one present desired to be heard and the Public Hearing was closed.

Council Member Shanks **moved to Remand Back to the Planning Commission**, along with the request that the Planning Commission review the nature of proposed activity consistent with his previous motion:

RESOLUTION NO. 2019-12.03

DENYING SPECIAL USE PERMIT APPLICATION PLSUP20190000299, FILED BY SHAHID JAVID ON BEHALF OF MKM PARTNERS, REQUESTING A SPECIAL USE PERMIT FOR COMMERCIAL RECREATION (INDOOR) IN ACCORDANCE WITH ARTICLE 3.M, SECTION C, ITEM 4 OF THE ZONING ORDINANCE OF THE CODE OF THE CITY OF DANVILLE, VIRGINIA, 1986, AS AMENDED, AT 1501 WEST MAIN STREET OTHERWISE KNOWN AS GRID 0611, BLOCK 004, PARCEL 000001 OF THE CITY OF DANVILLE, VIRGINIA ZONING DISTRICT MAP.

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

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

PUBLIC HEARING - DENYING A SPECIAL USE PERMIT APPLICATION AT 2100 WEST MAIN STREET

Mayor Jones opened the floor for a Public Hearing regarding Denying a Special Use Permit at 2100 West Main Street. Notice of the Public Hearing was published in the *Danville Register & Bee* on November 19, 2019 and November 26, 2019. No one present desired to be heard and the Public Hearing was closed.

Council Member Shanks **moved to Remand Back to the Planning Commission**, along with the request that the Planning Commission review the nature of proposed activity consistent with his previous motion:

RESOLUTION NO. 2019-12.04

DENYING SPECIAL USE PERMIT APPLICATION PLSUP20190000309, FILED BY SAMIR PATEL ON BEHALF OF DUTTA INC., OF VIRGINIA, REQUESTING A SPECIAL USE PERMIT FOR COMMERCIAL RECREATION (INDOOR) IN ACCORDANCE WITH ARTICLE 3.M, SECTION C, ITEM 4 OF THE ZONING ORDINANCE OF THE CODE OF CITY OF DANVILLE, VIRGINIA 1986, AS AMENDED AT 2100 WEST MAIN STREET, OTHERWISE KNOWN AS GRID 0610, BLOCK 004, PARCEL 000001 OF THE CITY OF DANVILLE, VIRGINIA ZONING DISTRICT MAP

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

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

PUBLIC HEARING – DENYING A SPECIAL USE PERMIT AT 3401 WESTOVER DRIVE

Mayor Jones opened the floor for a Public Hearing regarding Denying a Special Use Permit 3401 Westover Drive. Notice of the Public Hearing was published in the *Danville Register & Bee* on November 19, 2019 and November 26, 2019. No one present desired to be heard and the Public Hearing was closed.

Council Member Shanks **moved to Remand Back to the Planning Commission**, along with the request that the Planning Commission review the nature of proposed activity consistent with his previous motion:

RESOLUTION NO. 2019-12.05

DENYING SPECIAL USE PERMIT APPLICATION PLSUP20190000362, FILED BY GHULAM HASSAN, REQUESTING A SPECIAL USE PERMIT FOR COMMERCIAL RECREATION (INDOOR) IN ACCORDANCE WITH ARTICLE 3.J, SECTION C, ITEM 2 OF THE ZONING ORDINANCE OF THE CODE OF CITY OF DANVILLE, VIRGINIA, 1986, AS AMENDED, AT 3401 WESTOVER DRIVE, OTHERWISE KNOWN AS GRID 9818, BLOCK 005, PARCEL 0000023 OF THE CITY OF DANVILLE, VIRGINIA ZONING DISTRICT MAP.

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

Mr. Shanks stated for the record, the last several items were proposed to be denied in terms of recommendation from staff. They have issues that were not yet resolved and those issues clearly have to be resolved in the future before they come back forward. Mr. Shanks noted he did not think it was fair to eliminate their applications.

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 City Manager, Deputy City Manager, City Attorney or City Clerk.

ROLL CALL

Council Member Miller noted the annual Thanksgiving Dinner at Bibleway was a great success; several members of Council and Delegate Marshall attended and served dinners. Dr. Miller noted he went to the Boys and Girls Club Breakfast, Faith Stamps was the CEO, and in the five years she has been there, there have been zero teen pregnancies in that group and zero dropouts. The featured speaker was Corrie Bobe who discussed workforce

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development, and opportunities available in the schools for training. Dr. Miller reminded citizens the Christmas Parade was Sunday.

Council Member Saunders noted a special thanks to the Planning Commission for the work they do, and a special thanks to Mr. Gillie and Mr. Whitfield for their research to help them make the best decisions. Mr. Saunders reminded citizens about the Christmas Parade on Sunday and encouraged them to be safe during the holiday season.

Council Member Shanks invited Council Members, city staff and citizens to visit the Chrismon Tree at Ascension Lutheran Church. The hours are 3:00 to 5:00 p.m. and 7:00 to 9:00 p.m. during the week and additional hours during the weekend.

Vice Mayor Vogler noted he had a great time at Bibleway with the Thanksgiving dinner and recognized the group of people that put that together, stating they did a great job serving over 800 meals. Mr. Vogler recognized Stacey Cunningham and her group that put on a Thanksgiving breakfast at House of Hope. Mr. Vogler reminded citizens about the Christmas Parade on Sunday.

Council Member Whittle noted he was very interested in the Enterprise Zone and hearing from the Economic Development staff; it would be helpful for existing and new businesses that are not in the existing Enterprise Zones.

Council Member Campbell commended Pastor Bridgeforth for speaking out about education. All Council Members are concerned about the progress of the City, and education was a serious issue and concern. The City has to focus on turning things around.

Mayor Jones thanked Reverend Bridgeforth for talking about the homeless people in Danville, hopes the community can become involved in this situation and get these people off the street. Mayor Jones reminded the citizens about the parade on Saturday and thanked Mr. Gillie for his work.

The meeting adjourned at: 8:36 p.m.

APPROVED:

s/ Alonzo L. Jones
MAYOR

ATTEST:

s/ Susan M. DeMasi, CMC
CITY CLERK