

November 5, 2020

The Regular November meeting of the Danville City Council was held on November 5, 2020, 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, Barry P. Mayo, Vice Mayor Gary P. Miller, Sherman M. Saunders, J. Lee Vogler, Jr., and Madison J.R. Whittle (8). Samuel A. Kushner 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 L.G. "Larry" Campbell, Jr., and followed by the Pledge of Allegiance.

COMMUNICATIONS FROM VISITORS

Mayor Jones recognized Angie Dixon from Hoops Don't Shoot, who discussed the program and requested access to a building for the group to meet in during inclement weather. Ms. Dixon introduced several members of the group, and Council Members thanked Ms. Dixon for what she was doing.

MEETING MINUTES

Upon **Motion** by Council Member Buckner and **second** by Council Member Mayo, Minutes from the Regular Council Meeting held on October 6, 2020, 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. 2020-11.01 – Appointing Eugene Jackson as a Member of the Airport Commission to fill an Unexpired Term.

Resolution No. 2020-11.02 – Appointing Anna Kautzman as a member of the Danville Utility Commission to fill an Unexpired Term.

Resolution No. 2020-11.03 – Reappointing Russell Reynolds as a Member of the Industrial Development Authority.

Resolution No. 2020-11.04 – Reappointing T. Neal Morris as a Member of the Industrial Development Authority.

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

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

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NEW BUSINESS

GRANTING A SPECIAL USE PERMIT AT 3230 RIVERSIDE DRIVE

Mayor Jones opened the floor for a Public Hearing regarding a Special Use Permit at 3230 Riverside Drive. Notice of the Public Hearing was published in the *Danville Register & Bee* on October 22, 2020 and October 29, 2020. No one present desired to be heard and the Public Hearing was closed.

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

ORDINANCE NO. 2020-11.01

GRANTING SPECIAL USE PERMIT APPLICATION PLSUP20200000183 TO WAIVE YARD REQUIREMENTS IN ACCORDANCE WITH ARTICLE 3.N SECTION C.21 OF THE CODE OF THE CITY OF DANVILLE VIRGINIA, 1986, AS AMENDED, AT 3230 RIVERSIDE DRIVE (PARCEL ID#55466) OTHERWISE KNOWN AS GRID 1713, BLOCK 0013, PARCEL ID#000002 OF THE CITY OF DANVILLE ZONING DISTRICT MAP.

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

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

GRANTING A SPECIAL USE PERMIT FOR URBAN AGRICULTURE AT 598 ELIZABETH STREET

Mayor Jones opened the floor for a Public Hearing regarding a Special Use Permit at 598 Elizabeth Street. Notice of the Public Hearing was published in the *Danville Register & Bee* on October 22, 2020 and October 29, 2020.

Mayor Jones recognized Mary Davis, 598 Elizabeth Street, applicant for the Special Use Permit. Ms. Davis explained the chickens in question were hers and she was trying to keep them. She has moved them to the lower end and was not having any problems with them there. No one further desired to be heard and the Public Hearing was closed.

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

ORDINANCE NO. 2020-11.02

GRANTING SPECIAL USE PERMIT APPLICATION PLSUP20200000198 FOR URBAN AGRICULTURE IN ACCORDANCE WITH ARTICLE 3.E SECTION C.28 OF THE CODE OF THE CITY OF DANVILLE VIRGINIA, 1986, AS AMENDED, AT 598 ELIZABETH STREET (PARCEL ID#75710). OTHERWISE KNOWN AS GRID 0619, BLOCK 002, PARCEL ID#000014 OF THE CITY OF DANVILLE ZONING DISTRICT MAP

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

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Council Member Buckner questioned if this was allowed in some neighborhoods and Director of Planning, Doug Plachcinski noted that was correct, there were some zoning districts where these were permitted uses; in this case, it was a special permit use. Mr. Vogler noted they received two responses that were unopposed and zero opposed for the Planning Commission public hearing, and City Manager Ken Larking noted Council Members received an email from a next door neighbor in opposition to this. Mr. Larking stated the stipulation was that they shall not maintain a poultry yard or threshold within 125 feet of neighboring residential buildings. The email stated they believed this particular case was less than 100 feet from the residence. After further discussion, Mr. Larking noted, granting the special use permit required it to be 125 feet away and staff will verify that was the case in order to actually issue the permit. Mr. Whitfield noted if it was not 125 feet away, the applicant will receive a warning; if she does not adhere to the warning, she could be charged with an offense against the zoning code.

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

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

CONSIDERATION OF REZONING FROM S-R SUBURBAN RESIDENTIAL TO OT-R OLD TOWN RESIDENTIAL A PORTION OF 188 STOKESLAND AVENUE

Mayor Jones opened the floor for a Public Hearing regarding rezoning a portion of 188 Stokesland Avenue. Notice of the Public Hearing was published in the *Danville Register & Bee* on October 22, 2020 and October 29, 2020. 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. 2020-11.03

REZONING FROM THE S-R SUBURBAN RESIDENTIAL ZONING DISTRICT TO THE OT-R OLD TOWN RESIDENTIAL ZONING DISTRICT A 0.3 ACRE PORTION OF 188 STOKESLAND AVENUE (PARCEL ID #75418), OTHERWISE KNOWN AS GRID 0616, BLOCK 001, PARCEL ID#000016 OF THE CITY OF DANVILLE, VIRGINIA ZONING DISTRICT MAP.

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

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

CONSIDERATION OF REZONING AN ~4.157 ACRE PORTION OF 3311 RIVERSIDE DRIVE

Mayor Jones opened the floor for a Public Hearing regarding rezoning an approximate 4.157 acre portion of 3311 Riverside Drive. Notice of the Public Hearing was published in the *Danville Register & Bee* on October 22, 2020 and October 29, 2020. Mayor Jones recognized Mark

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Johnson, LED Professionals, who stated he represented Cherney Development with several requests in order to repurpose the old Kmart building, as well as net some future developable outparcels. The request for rezoning was to allow self-storage as a permitted use. No one further desired to be heard and the Public Hearing was closed.

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

ORDINANCE NO. 2020-11.04

REZONING FROM THE PS-C PLANNED SHOPPING CENTER ZONING DISTRICT TO THE HRC HIGHWAY RETAIL COMMERCIAL ZONING DISTRICT A ~4.157 ACRE PORTION OF 3311 RIVERSIDE DRIVE, (PARCEL ID #51741), OTHERWISE KNOWN AS GRID 1713, BLOCK 004, PARCEL ID# 000002 OF THE CITY OF DANVILLE, VIRGINIA ZONING DISTRICT MAP

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

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

CONSIDERATION OF GRANTING A SPECIAL USE PERMIT TO WAIVE CERTAIN YARD REQUIREMENTS AT 3311 RIVERSIDE DRIVE

Mayor Jones opened the floor for a Public Hearing granting a special use permit at 3311 Riverside Drive. Notice of the Public Hearing was published in the *Danville Register & Bee* on October 22, 2020 and October 29, 2020. Mayor Jones recognized Mark Johnson, LED Professionals, who noted this request had to do with setbacks along Trade Street, given the location of where Kmart was originally built. The other item was a lot area to floor area ratio which was .5; they were proposing a .529, just slightly above the .5 ratio. No one further desired to be heard and the Public Hearing was closed.

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

ORDINANCE NO. 2020-11.05

GRANTING SPECIAL USE PERMIT APPLICATION PLSUP202000000205 TO WAIVE CERTAIN YARD REQUIREMENTS IN ACCORDANCE WITH ARTICLE 3.M SECTION C.21 OF THE CODE OF THE CITY OF DANVILLE VIRGINIA, 1986, AS AMENDED, AT 3311 RIVERSIDE DRIVE (PARCEL ID #51741). OTHERWISE KNOWN AS GRID 1713, BLOCK 004, PARCEL ID# 000002 OF THE CITY OF DANVILLE ZONING DISTRICT MAP

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

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

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CONSIDERATION OF REZONING FROM HR-C HIGHWAY RETAIL COMMERCIAL TO LED-I LIGHT ECONOMIC DEVELOPMENT DISTRICT, 116 MAPLEWOOD DRIVE

Mayor Jones opened the floor for a Public Hearing regarding rezoning 116 Maplewood Drive. Notice of the Public Hearing was published in the *Danville Register & Bee* on October 22, 2020 and October 29, 2020. Mayor Jones recognized Patrick Hardison, one of the founders of Sterling Lighting. Mr. Hardison explained they looked at bringing their product line from China back to the US about eighteen months ago. They were excited about Danville; their focus was to build the best lighting products in America and believes Danville was the perfect spot for them. No one further desired to be heard and the Public Hearing was closed.

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

ORDINANCE NO. 2020-11.06

REZONING FROM THE HR-C HIGHWAY RETAIL COMMERCIAL ZONING DISTRICT TO THE LED-1 LIGHT ECONOMIC DEVELOPMENT DISTRICT ZONING DISTRICT 116 MAPLEWOOD STREET (PARCEL ID #60494), OTHERWISE KNOWN AS GRID 1920 BLOCK 002, PARCEL ID#000001.001 OF THE CITY OF DANVILLE, VIRGINIA ZONING DISTRICT MAP

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

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

CONSIDERATION OF REVISING EXTRA DUTY RATES FOR HIRING OFF DUTY POLICE OFFICERS

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

ORDINANCE NO. 2020-11.07

AUTHORIZING AND APPROVING REVISED EXTRA DUTY HOURLY RATES FOR HIRING OFF DUTY POLICE OFFICERS EFFECTIVE DECEMBER 1, 2020

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

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

CONSIDERATION OF AMENDING THE FISCAL YEAR 2021 BUDGET APPROPRIATION ORDINANCE FOR HUD FUNDS IN THE AMOUNT OF \$1,197,477

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

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ORDINANCE NO. 2020-11.08

AMENDING THE FISCAL YEAR 2021 BUDGET APPROPRIATION ORDINANCE FOR PROJECTS TO BE OR BEING UNDERTAKEN TO IMPROVE THE DANVILLE COMMUNITY FINANCED WITH COMMUNITY DEVELOPMENT BLOCK GRANT, HOME INVESTMENT PARTNERSHIP FUNDS FROM THE U.S. DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT, AND ESTIMATED PROGRAM INCOME FOR A TOTAL APPROPRIATION OF \$1,197,477.00

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

CONSIDERATION OF AMENDING THE FISCAL YEAR BUDGET APPROPRIATION ORDINANCE FOR THE PROCEEDS OF THE ISSUANCE OF BONDS

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

ORDINANCE NO. 2020-11.09

AMENDING THE FISCAL YEAR 2021 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.

CONSIDERATION OF AMENDING THE FISCAL YEAR 2021 BUDGET APPROPRIATION ORDINANCE FOR FOOD SERVICE OPERATIONS AT W.W. MOORE, JR., DETENTION HOME IN THE AMOUNT OF \$51,491

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

ORDINANCE NO. 2020-11.10

AMENDING THE FISCAL YEAR 2021 BUDGET APPROPRIATION ORDINANCE FOR A FEDERAL GRANT IN THE AMOUNT OF APPROXIMATELY \$51,491 TO AID THE FOOD SERVICE OPERATIONS AT W. W. MOORE, JR. DETENTION HOME AND APPROPRIATING SAME

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

CONSIDERATION OF AMENDING THE FISCAL YEAR 2021 BUDGET APPROPRIATION ORDINANCE FOR ELECTRONIC MONITORING AND OUTREACH DETENTION PROGRAMS AND PREVENTION SERVICES IN THE AMOUNT OF \$126,829

Upon **Motion** by Council Member Buckner and **Second** by Council Member Whittle, an Ordinance entitled:

ORDINANCE NO. 2020-11.11

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AMENDING THE FISCAL YEAR 2021 BUDGET APPROPRIATION ORDINANCE FOR A GRANT FROM THE DEPARTMENT OF JUVENILE JUSTICE IN THE AMOUNT OF \$86,999 AND A LOCAL SHARE OF \$39,830, FOR A TOTAL APPROPRIATION OF \$126,829, TO PROVIDE FOR THE ELECTRONIC MONITORING AND OUTREACH DETENTION PROGRAMS AND PREVENTION SERVICES FOR THE CITY OF DANVILLE AT THE W. W. MOORE JR. DETENTION HOME AND APPROPRIATING SAME

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

COMMUNICATIONS

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

Council Member Campbell noted he wanted to salute Robert David for receiving a grant of close to half a million dollars for the Youth Gang program, and Angela Dixon with what she was doing, he hopes there was some way they can tie some of it in with the things happening in the community. Danville was moving forward and with all that was happening, they have to consider the youth and make the City as safe as possible.

Vice Mayor Miller noted the bike share was coming back; Zagster had pulled out during the pandemic, but the City was in negotiations with or going to be in negotiations with a new group. Dr. Miller noted manufacturing jobs have a ripple effect on other businesses and helps them prosper; it works for manufacturing jobs and it also works for entertainment jobs. He was proud of the public who decided to approve the casino; they were approved in all the cities it was on the referendum. Dr. Miller noted he wanted a matter referred to a work session, to put in crosswalks on busy roads including Kemper Road, Memorial Drive and Birnam Woods.

Council Member Vogler noted the bike share was extremely popular in Danville before the pandemic hit, and the City will be lining up a new operator. Mr. Vogler thanked the citizens of Danville, the voter turnout was large and the casino overwhelmingly passed. At the moment, it looks like Bryant Hood would be their new colleague on City Council, and he looks forward to working with him. Mr. Vogler thanked Petrina Carter and Fred Shanks for their campaigns, they did a fantastic job.

Mayor Jones asked the City staff to stand; the City recently had a storm that came through Danville and noted that each one of the staff, in some way played a part in making sure the citizens of Danville received the services they needed and thanked them for the hard work they did.

ADJOURNED: 7:37 P.M.

APPROVED:

s/Alonzo L. Jones
MAYOR

ATTEST:

s/Susan M. DeMasi, CMC
CITY CLERK