

September 3, 2019

The Regular September meeting of the Danville City Council was held on September 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 Sherman M. Saunders, followed by the Pledge of Allegiance to the Flag, led by the AP Government Class from Tunstall High School.

COMMUNICATIONS FROM VISITORS

No one desired to be heard.

CONSENT AGENDA

Mayor Jones opened the floor for a Public Hearing regarding the Budget Items on the Consent Agenda. Notice of the Public Hearing was published in the *Danville Register & Bee* on August 27, 2019. No one present desired to be heard and the Public Hearing was closed.

Vice Mayor Vogler **moved** for adoption of the following Consent Agenda Items:

Approval of Minutes from Regular Council Meeting held on August 8, 2019. Draft copies of the Minutes had been distributed prior to the meeting.

Authorizing the Issuance of Bonds of the City of Danville, Virginia in the Amount of \$16,000,000.

An Ordinance Entitled, Ordinance No. 2019-08.08, Presented by its First Reading on August 20, 2019, Authorizing the Issuance of Bonds of the City of Danville, Virginia, in the Maximum Aggregate Principal Amount of \$16,000,000 to Finance the Acquisition, Construction and Equipping of Various Capital Projects and Declaring the City's Official Intent to Reimburse Expenditures with Proceeds of a Borrowing.

Amending the Fiscal Year 2020 Budget Appropriation Ordinance to Provide for Additional Federal and State Aviation Funding.

An Ordinance Entitled, Ordinance No. 2019-08.09, Presented by its First Reading on August 20, 2019, Amending the Fiscal Year 2020 Budget Appropriation Ordinance to Provide for Additional Federal and State Aviation Funding for Multiple Construction Projects at the Danville Regional Airport in the Amount of \$4,104,325 and for the Local Share in the Amount of \$282,664.65 to be Provided from Reprogrammed Funds Transferred from Various Projects and Appropriating the Same.

The Motion was **seconded** by Council Member Saunders 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

NEW BUSINESS

PUBLIC HEARING – AMENDING CHAPTER 41, “ZONING ORDINANCE,” PLANNED SHOPPING CENTER OVERLAY DISTRICT FOR DIRECTORY SIGNS

Mayor Jones opened the floor for a Public Hearing regarding Amending the Zoning Ordinance. Notice of the Public Hearing was published in the *Danville Register & Bee* on August 20, 2019 and August 27, 2019. No one present desired to be heard and the Public Hearing was closed.

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

ORDINANCE NO. 2019-09.01

AMENDING CHAPTER 41 ENTITLED “ZONING ORDINANCE” OF THE CODE OF THE CITY OF DANVILLE, VIRGINIA, 1986, AS AMENDED, MORE SPECIFICALLY ARTICLE 3.U, ENTITLED “PSC-O PLANNED SHOPPING CENTER OVERLAY DISTRICT”, SECTION M, ENTITLED “SIGN REGULATIONS” BY ADDING ITEM 10 FOR DIRECTORY SIGNS.

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 – AMENDING CHAPTER 41 ENTITLED “ZONING ORDINANCE” TO ADDRESS PERMITTED USES WITHIN THE CB-C AND TW-C DISTRICTS

Mayor Jones opened the floor for a Public Hearing regarding Amending the Zoning Ordinance. Notice of the Public Hearing was published in the *Danville Register & Bee* on August 20, 2019 and August 27, 2019. No one present desired to be heard and the Public Hearing was closed.

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

ORDINANCE NO. 2019-09.02

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.K, ENTITLED “CB-C, CENTRAL BUSINESS DISTRICT” AND ARTICLE 3.L, ENTITLED “TW-C, TOBACCO WAREHOUSE DISTRICT” TO ADDRESS PERMITTED USES WITHIN THE CB-C, AND TW-C DISTRICTS.

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

VOTE: 9-0
AYE: Buckner, Campbell, Jones, Miller, Saunders,
Shanks, Tomer, Vogler and Whittle (9)

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NAY: None

PUBLIC HEARING – AMENDING CHAPTER 41 ENTITLED “ZONING ORDINANCE” TO PERMIT MANUFACTURED HOUSING IN THE NT-R DISTRICT

Mayor Jones opened the floor for a Public Hearing regarding Amending the Zoning Ordinance. Notice of the Public Hearing was published in the *Danville Register & Bee* on August 20, 2019 and August 27, 2019.

Mayor Jones recognized Gary Wasson, CEO of the Danville Redevelopment and Housing Authority, who explained the DRHA was planning a demonstration project to build up to five manufactured houses that will be marketed to buyers whose family income was at 120% or less of the Danville median income level. This was an opportunity to build homes attractive to middle income people looking for a starter home, built of modern materials and energy efficient. The building lots were lots that DRHA already owned in the Monument Berryman district. The marketing plan was to build one model home then make sure there was interest and buyers for the homes that will follow. 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. 2019-09.03

AMENDING CHAPTER 41 ENTITLED, “ZONING ORDINANCE” OF THE CODE OF THE CITY OF DANVILLE, VIRGINIA, 1986, AS AMENDED, MORE SPECIFICALLY ARTICLE 3.D, ENTITLED “NT-R, NEO-TRADITIONAL RESIDENTIAL DISTRICT”, SECTION C, ENTITLED “USES PERMITTED WITH SPECIAL USE PERMIT”, BY ADDING ITEM 18, FOR “RESIDENTIAL MANUFACTURED HOME DWELLINGS” AND SECTION E, ENTITLED “LOT AREA AND SIZE REQUIREMENTS”, ITEM 1 TO LOWER THE MINIMUM DISTRICT SIZE TO ONE-AND-A-HALF (1.5) ACRES.

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

Council Member Shanks noted he had had concerns about the precedent that would be set by allowing manufactured housing in the City. Having gone through the work session, and listening to Mr. Wasson, it was an isolated, demonstration project in an area that was very compatible with that type of development. Mr. Shanks stated he felt fairly certain that allowing this special use permit in that one zoning classification would be protection against setting a precedent that may not be desired. Mr. Shanks noted he would be supporting this item.

Council Member Miller stated these were good quality, energy efficient homes, in the mid-price range and are very much needed in the City. They are close to the River District, it was a demonstration project and believes it will be successful. Council Member Campbell stated these were new homes and the City has not had many new houses built in that area. Council Member Buckner questioned if there was a price point on what these homes were going to cost, and it had been stated there were lots chosen on Franklin, Beauregard and Lee Streets. Mr. Buckner questioned which one are they going to build on first. Mr. Wasson stated it would depend on the size of the home the person chooses; they are going to build the model home and that may be around \$124,000 to \$128,000, depending on what they put into it. After that point, the prospective buyer will have some choice of different amenities, so they are looking between \$114,000 to about \$132,000. Mr. Wasson stated they are going to put the first one

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on Lee Street. Mayor Jones noted he was excited to see what was coming in that community, and thanked Mr. Wasson for what he was doing.

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

VOTE: 7-1-1
AYE: Campbell, Miller, Saunders,
Shanks, Tomer, Vogler and Whittle (7)
NAY: Buckner (1)
ABSTAIN: Jones (1)

STATEMENT OF CONFLICT OF INTEREST

I, Alonzo L. Jones, do hereby state that I have a conflict of interest regarding the Consideration of Amending Chapter 41 of the Zoning Ordinance to permit Manufactured Housing in the NT-R District listed on the agenda as New Business Item (C). Therefore, pursuant to the State and Local Government Conflict of Interest Act, Virginia Code §2.2-3112, I must abstain from voting on this agenda item.

Witness my signature this 3rd day of September, 2019.

s/ Alonzo L. Jones

PUBLIC HEARING – REZONING FROM OT-R, OLD TOWN RESIDENTIAL TO NT-R, NEO-TRADITIONAL RESIDENTIAL, PARCELS ON FRANKLIN STREET, BEAUREGARD STREET AND LEE STREET

Mayor Jones opened the floor for a Public Hearing regarding Rezoning Parcels on Franklin, Beauregard and Lee Streets. Notice of the Public Hearing was published in the *Danville Register & Bee* on August 20, 2019 and August 27, 2019. No one present desired to be heard and the Public Hearing was closed.

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

ORDINANCE NO. 2019-09.04

REZONING FROM OT-R, OLD TOWN RESIDENTIAL TO NT-R, NEO-TRADITIONAL RESIDENTIAL DISTRICT, PARCELS ON FRANKLIN STREET, BEAUREGARD STREET, AND LEE STREET, OTHERWISE KNOWN AS GRID 2718, BLOCK 019, PARCELS 000001 THROUGH 000005, 000007, 000015 AND 000016 OF THE CITY OF DANVILLE, VIRGINIA ZONING DISTRICT MAP

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

VOTE: 7-1-1
AYE: Campbell, Miller, Saunders,
Shanks, Tomer, Vogler and Whittle (7)
NAY: Buckner (1)
ABSTAIN: Jones (1)

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STATEMENT OF CONFLICT OF INTEREST

I, Alonzo L. Jones, do hereby state that I have a conflict of interest regarding the Consideration of Rezoning from OT-R Old Town Residential to NT-R Neo-Traditional Residential Parcels on Franklin Street, Beauregard Street and Lee Street listed on the Agenda as New Business Item (D). Therefore, pursuant to the State and Local Government Conflict of Interest Act, Virginia Code §2.2-3112, I must abstain from voting on this agenda item.

Witness my signature this 3rd day of September, 2019.

s/ Alonzo L. Jones

PUBLIC HEARING – GRANTING A SPECIAL USE PERMIT FOR MANUFACTURED HOME DWELLINGS ON FRANKLIN STREET, BEAUREGARD STREET AND LEE STREET

Mayor Jones opened the floor for a Public Hearing regarding granting a Special Use Permit for Manufactured Homes on Franklin, Beauregard and Lee Streets. Notice of the Public Hearing was published in the *Danville Register & Bee* on August 20, 2019 and August 27, 2019. No one present desired to be heard and the Public Hearing was closed.

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

ORDINANCE NO. 2019-09.05

GRANTING A SPECIAL USE PERMIT FOR MANUFACTURED HOME DWELLINGS IN ACCORDANCE WITH CHAPTER 41, ARTICLE 3.D, SECTION C, ITEM 18 THE CODE OF THE CITY OF DANVILLE, VIRGINIA 1986 AS AMENDED AT PARCELS ON FRANKLIN STREET, BEAUREGARD STREET, AND LEE STREET, OTHERWISE KNOWN AS GRID 2718, BLOCK 019, PARCELS 000001 THROUGH 000005, 000007, 000015 AND 000016 OF THE CITY OF DANVILLE, VIRGINIA ZONING DISTRICT MAP.

The Motion was **seconded** by Vice Mayor Vogler and carried by the following vote:

VOTE: 7-1-1
AYE: Campbell, Miller, Saunders,
Shanks, Tomer, Vogler and Whittle (7)
NAY: Buckner (1)
ABSTAIN: Jones (1)

STATEMENT OF CONFLICT OF INTEREST

I, Alonzo L. Jones, do hereby state that I have a conflict of interest regarding the Consideration of Granting a Special Use Permit for Manufactured Home Dwellings on Franklin Street, Beauregard Street and Lee Street listed on the Agenda as New Business Item (E). Therefore, pursuant to the State and Local Government Conflict of Interest Act, Virginia Code §2.2-3112, I must abstain from voting on this agenda item.

Witness my signature this 3rd day of September, 2019.

s/ Alonzo L. Jones

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PUBLIC HEARING – CONSIDERATION OF GRANTING A SPECIAL USE PERMIT AT 2264 NORTH MAIN STREET

Mayor Jones opened the floor for a Public Hearing regarding Granting a Special Use Permit at 2264 North Main Street. Notice of the Public Hearing was published in the *Danville Register & Bee* on August 20, 2019 and August 27, 2019. No one present desired to be heard and the Public Hearing was closed.

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

ORDINANCE NO. 2019-09.06

GRANTING A SPECIAL USE PERMIT FOR A WAIVER OF YARD REQUIREMENTS IN ACCORDANCE WITH CHAPTER 41, ARTICLE 3.M, SECTION C, ITEM 21 OF THE CODE OF THE CITY OF DANVILLE, VIRGINIA 1986 AS AMENDED AT 2264 NORTH MAIN STREET, OTHERWISE KNOWN AS GRID 2810, BLOCK 002, PARCEL 000016 OF THE CITY OF DANVILLE, VIRGINIA ZONING DISTRICT MAP.

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

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

AUTHORIZING THE ISSUANCE OF GENERAL OBLIGATION BONDS OF THE CITY OF DANVILLE, VIRGINIA

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

RESOLUTION NO. 2019-09.01

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.

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

BUDGET APPROPRIATION – AMENDING THE FISCAL YEAR 2020 BUDGET APPROPRIATION ORDINANCE FOR SENIOR CITIZEN TRANSPORTATION SERVICES

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

ORDINANCE NO. 2019-09.07

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AMENDING THE FISCAL YEAR 2020 BUDGET APPROPRIATION ORDINANCE BY INCREASING CERTAIN REVENUES TO PROVIDE FOR TITLE III-B GRANT FUNDS AND LOCAL SHARE FOR SENIOR CITIZEN TRANSPORTATION SERVICES AND APPROPRIATING THE SAME.

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

BUDGET APPROPRIATION – CONSIDERATION OF AMENDING THE FISCAL YEAR 2020 BUDGET APPROPRIATION ORDINANCE FOR CSA FUNDS

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

ORDINANCE NO. 2019-09.08

AMENDING THE FISCAL YEAR 2020 BUDGET APPROPRIATION ORDINANCE BY APPROPRIATING COMPREHENSIVE SERVICES ACT FUNDS AND PROVIDING LOCAL MATCHING FUNDS FOR A TOTAL AMOUNT OF \$4,666,256 AND APPROPRIATING SAME.

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

BUDGET APPROPRIATION – CONSIDERATION OF AMENDING THE FISCAL YEAR 2020 BUDGET APPROPRIATION BY ANTICIPATING PROCEEDS FROM THE ISSUANCE OF BONDS

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

ORDINANCE NO. 2019-09.09

AMENDING THE FISCAL YEAR 2020 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

There were no communications from the City Manager, Deputy City Manager, or City Clerk. City Attorney Clarke Whitfield noted Don Robertson, his long time broadcasting partner, passed away on Monday.

ROLL CALL

Council Member Miller noted there were a lot of tragedies in the Bahamas this past week; the anniversary of 9/11 was next week and citizens should never forget that. Dr. Miller noted for years, he has adopted a piece of road from Updike to Southwyck Shopping Center and picks up the trash every Saturday. He did that on Sunday and today it was full of trash again; it

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bothers him that people have no pride in their City. Dr. Miller asked citizens to put their trash in a trashcan, pick up their litter and suggested the City start a litter campaign.

Vice Mayor Vogler noted the GW Eagles home opener was this Friday and encouraged citizens to attend. Mr. Vogler requested an update on using debit and credit cards at the Charles Harris Building. City Manager Ken Larking noted they are working with the vendor, they have identified the kiosk they want and it was a matter of procuring the machine and installing it; that should be in next few weeks.

Mayor Jones noted Delegate Danny Marshall was present this evening, as well as the City Treasurer, and the AP Government Class from Tunstall. Mayor Jones requested an update on bullying. Mr. Larking noted in the last two weeks he had sent out information to the media on what the City was planning regarding bullying. They have informed the public that the Danville Public Schools has the *Stop It* app, and encouraged everyone to say something if they see something; they will be working on procuring an app to receive that information. Next Month is National Bullying Prevention Month and the City will be participating in that. Staff was also looking into the *Not in Our Town* project which was shared by Council Member Buckner, and the YMCA was doing an event against bullying. If any of the City's other community partners were interested in doing some anti-bullying campaigns, to let them know.

Mr. Saunders questioned if staff looked at anything regarding people who intervene in stopping bullying, are they protected by law; Mr. Larking noted he will look into that. It was his understanding that there have been conversations with State Legislators, and Senator Stanley was working on something through the Governor's office. Mr. Whitfield stated if someone was being intimidated and feels that they or somebody else is in imminent harm, under Virginia law, they can use reasonable force to prevent someone from being harmed. Mr. Whitfield noted his office has begun to look through a number of State and US Bar Association programs specifically targeted to prevent bullying. His office intends to get involved in schools to talk about what bullying was, what the effects are, what can be done to prevent it and what can be done if a person was being bullied. They hope to get some other organizations involved with them.

Mayor Jones thanked the Council Members, they have been very supportive, as well as the City Manager and City staff.

The meeting adjourned at 7:30 p.m.

APPROVED:

s/ Alonzo L. Jones
MAYOR

ATTEST:

s/ Susan M. DeMasi, CMC
CITY CLERK