

August 8, 2019

The Regular August meeting of the Danville City Council was held on August 8, 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, Vice Mayor J. Lee Vogler, Jr., and Madison J.R. Whittle (8). Adam J. Tomer 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.

Mayor Jones presided.

INVOCATION AND PLEDGE OF ALLEGIANCE

The Invocation was given by Dr. Gary P. Miller, followed by the Pledge of Allegiance to the Flag.

COMMUNICATIONS FROM VISITORS

No one desired to be heard.

MINUTES

Upon **Motion** by Council Member Whittle and **second** by Council Member Campbell, Minutes of the Regular Council Meeting held on July 2, 2019 were approved as presented. Draft copies of the minutes had been distributed prior to the meeting.

APPOINTMENTS

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

Resolution No. 2019-08.01 – Reappointing Robin Crews to the Commission of Architectural Review.

Resolution No. 2019-08.02 – Reappointing Debra Hairston to the Community Improvement Council.

Resolution No. 2019-08.03 – Appointing Janet Gwynn to the Community Improvement Council.

Resolution No. 2019-08.04 - Appointing Adam Jones to the River District Design Commission.

Resolution No. 2019-08.05 – Appointing Andrew Hessler to the River District Design Commission.

Resolution No. 2019-08.06 – Appointing Ernesia Coles to the Social Services Advisory Board.

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

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

NEW BUSINESS

PUBLIC HEARING - CONSIDERATION OF GRANTING A SPECIAL USE PERMIT AT 401 BRIDGE STREET

Mayor Jones opened the floor for a Public Hearing regarding a Special Use Permit at 401 Bridge Street. Notice of the Public Hearing was published in the *Danville Register & Bee* on July 25, 2019 and August 1, 2019. 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. 2019-08.01

GRANTING A SPECIAL USE PERMIT FOR RESIDENTIAL USES IN A STRUCTURE WITH NON-RESIDENTIAL USE ON THE FIRST FLOOR, AND A WAIVER OF DENSITY REQUIREMENTS IN ACCORDANCE WITH ARTICLE 3.L, SECTION C, ITEMS 9 AND 13 OF CHAPTER 41 OF THE CODE OF THE CITY OF DANVILLE, VIRGINIA, 1986, AS AMENDED, AT 401 BRIDGE STREET, OTHERWISE KNOWN AS GRID 2713, BLOCK, 006, 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:

VOTE: 7-0-1-1
AYE: Buckner, Campbell, Jones, Miller, Saunders,
Vogler and Whittle (7)
NAY: None
ABSENT: Tomer (1)
ABSTAIN: Shanks (1)

STATEMENT OF CONFLICT OF INTEREST

I, Fred O. Shanks, III, do hereby state that I have a conflict of interest regarding the Consideration of Granting a Special Use Permit for Residential uses in a Structure with Non-Residential Uses on the First Floor and a Waiver of Density Requirements at 401 Bridge Street listed on the Agenda as New Business Item (A). 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 8th day of August, 2019.

s/Fred O. Shanks, III

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PUBLIC HEARING – CONSIDERATION OF AMENDING THE ZONING CODE OF THE CITY OF DANVILLE FOR HOTELS AND MOTELS

Mayor Jones opened the floor for a Public Hearing regarding Amending the Zoning Code of the City of Danville. Notice of the Public Hearing was published in the *Danville Register & Bee* on July 25, 2019 and August 1, 2019. 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. 2019-08.02

AMENDING CHAPTER 41, ENTITLED “ZONING ORDINANCE” OF THE CODE OF THE CITY OF DANVILLE, VIRGINIA, 1986, AS AMENDED, MORE SPECIFICALLY ARTICLE 3.I, ENTITLED “TO-C, TRANSITIONAL OFFICE”, SECTION C, ENTITLED “USES PERMITTED BY SPECIAL USE PERMIT” BY ADDING ITEM 24 FOR HOTELS AND MOTELS.

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

Council Member Shanks noted he was not going to vote against this item, but does have concerns about the uses allowed by special use permit for hotels in that district. Hotel was defined in the City Code as hotel, inn, automobile court, motel, motor lodge, tourist cabin, tourist court, tourist home or otherwise. A hotel may also include an establishment which provides residential living conditions for transients on a short term basis such as an apartment, hotel, but not a homeless shelter. In the next item, Council will be talking about a specific case that they were told was a boutique hotel; Mr. Shanks stated he supports the boutique hotel concept especially on this project. A boutique hotel was something different than a hotel, and it was very well presented at the Planning Commission meeting. Mr. Shanks stated he hopes if Council passes this Ordinance tonight, they will go back and consider a definition in the City Code for boutique hotel and that it be in this particular ordinance in the future instead of hotels, generally speaking.

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

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

PUBLIC HEARING – CONSIDERATION OF GRANTING A SPECIAL USE PERMIT AT 990 MAIN STREET AND 108 HOLBROOK STREET

Mayor Jones opened the floor for a Public Hearing regarding Granting a Special Use Permit at 990 Main Street and 108 Holbrook Street. Notice of the Public Hearing was published in the *Danville Register & Bee* on July 25, 2019 and August 1, 2019.

Mayor Jones recognized Lawrence Meder, 407 Chestnut Street, who noted his concerns about the proposed hotel, and some residents who are concerned about what happens if the hotel fails.

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Mayor Jones recognized Fran Baughman, 1012 Main Street, who noted her concerns about the proposed hotel, and what will the City do to protect the citizens of the Old West End. Mayor Jones asked the City Manager to contact Ms. Baughman to discuss her concerns.

Mayor Jones recognized Louis Dumont, resident of the Old West End, who noted his support of the proposed boutique hotel.

Mayor Jones recognized Cherie Tamson, resident of Woodberry Hills, who spoke in favor of the proposed boutique hotel.

Mayor Jones recognized Ed Walker, developer of the proposed boutique hotel, who noted he was there to answer any questions.

Council Member Campbell asked what type of boutique hotel Mr. Walker had in mind. Mr. Walker explained they will be luxury level suites. If the boutique hotel does not succeed, they will come back to the City and ask for them to be a luxury apartment building.

Council Member Shanks noted he shared some of the concerns of the neighbors with regard to the open ended zoning case being discussed. When Mr. Walker first approached City Council, he had said it was a boutique hotel, was that still his intention, and Mr. Walker noted it was. Mr. Shanks questioned if all the suites would be accessed from the inside and Mr. Walker stated they would be. Mr. Shanks noted the staff has recommended two conditions and the second condition was that guest occupancy should be limited to a maximum total of forty five rental units for both properties combined. Would Mr. Walker have any problem changing that proffer to read no more than forty-five suites with interior access. Mr. Walker explained the interior access is no problem at all, and it was perfectly fine to have a maximum number, that was reasonable. It may be when they get to design, they want them to be fewer and larger. Mr. Shanks stated that would relieve some of the concerns of the citizens.

Mayor Jones recognized Harold Garrison, member of the Planning Commission who noted he wanted to caution Council about trying to define something too closely.

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

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

ORDINANCE NO. 2019-08.03

GRANTING A SPECIAL USE PERMIT FOR A HOTEL IN ACCORDANCE WITH ARTICLE 3.I, SECTION C, ITEM 24 OF CHAPTER 41 OF THE CODE OF THE CITY OF DANVILLE, VIRGINIA, 1986, AS AMENDED, AT 990 MAIN STREET AND 108 HOLBROOK STREET, OTHERWISE KNOWN AS GRID 1720, BLOCK 009, PARCEL 000001 AND GRID 1716, BLOCK, 014, PARCEL 000001 OF THE CITY OF DANVILLE, VIRGINIA ZONING DISTRICT MAP

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

Vice Mayor Vogler noted he was in support of this project; currently it was a vacant building that has for a number of years been in slow decline. Without this project, the building could continue to be vacant or it could possibly be a low rent commercial office space. Instead, the City has a developer that was trying to transform the building, and help to continue to

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transform that neighborhood. Mr. Vogler noted he believes this project will help to continue to develop the Old West End. Mr. Walker has a great track record that was nationally known and recognized; the City was honored to see that record continued in Danville. He was trying to invest in this community and make it better. Mr. Vogler noted he supports this project and he too was cautious when asking him about suites and number of rooms. Council needs to let Mr. Walker do what he does best, which was top notch projects.

Council Member Miller noted the Economic Development Department, Council and the City Manager's office vet these projects; Council was not going to do anything to hurt that neighborhood. The building has been falling apart for years, was just sitting there doing no good, but he sees a good future for that building as a boutique hotel. They are close to Averett and the Hospital, it will be a great place for VIPs to stay. Families visiting people in the hospital will want to stay there, close to the hospital. Dr. Miller noted he was confident it will be a huge success.

Council Member Shanks noted he was in support of Mr. Walker but was a little concerned that Council was not properly protecting the neighbors that already own properties in all neighborhoods; it was the homeowners that Council should be protecting. Mr. Shanks noted he was not concerned with Mr. Walker's development, but with what comes next. Right now there was a very wide definition of hotels and that was what Council was talking about here, a special use permit for a hotel. The definition of hotel was in the City Code, but boutique hotel was not. There are two conditions in this project, about parking and the other about guest occupancy to be limited to a maximum total of forty five rental units for both properties combined. Mr. Walker has stated he will put in a maximum, maybe less, of suites, with interior access. The property owners in the neighborhood have indicated that will give them some comfort. Mr. Shanks noted he had an amended motion he would like to make.

Council Member Campbell stated the citizens have voiced their concern on what will be in the building; it was vacant now and they want the best to be there. Mr. Campbell noted what he was hearing from Mr. Walker was very good and will be voting in favor of this matter.

Mayor Jones noted Mr. Shanks had an amended motion and Mr. Whitfield explained Mr. Shanks would make the amended motion, that would require a second and would allow for discussion on the motion as amended.

Council Member Shanks **moved** for an *Amended Motion, to approve the Ordinance before City Council with one change in the proffered conditions: Guest occupancy shall be limited to a maximum total of both properties of forty-five suites with interior access.*

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

Council Member Miller questioned what was both properties, and Mr. Shanks explained it was including the smaller building.

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

VOTE:	6-2-1
AYE:	Campbell, Jones, Miller, Saunders, Shanks, and Whittle (6)
NAY:	Vogler, Buckner (2)
ABSENT:	Tomer (1)

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Mr. Whitfield noted Council now needs to vote on the Motion as Amended. Mr. Vogler stated he was in favor of the project, but not in favor of adding additional permissions, but will vote for this now because he is voting for the project as a whole.

VOTE: 8-0-1
AYE: Buckner, Campbell, Jones, Miller, Saunders,
Shanks, Vogler and Whittle (8)
ABSENT: Tomer (1)

BUDGET AMENDMENT – CONSIDERATION OF AMENDING THE FY 2020 BUDGET APPROPRIATION ORDINANCE FOR A VIRGINIA COMMISSION FOR THE ARTS GRANT

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

ORDINANCE NO. 2019-08.04

AMENDING THE FISCAL YEAR 2020 BUDGET APPROPRIATION ORDINANCE TO PROVIDE FOR A VIRGINIA COMMISSION FOR THE ARTS GRANT IN THE AMOUNT OF \$4,500, AND TO PROVIDE FOR THE LOCAL SHARE IN THE AMOUNT OF \$5,000 FOR A TOTAL GRANT OF \$9,500.

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

BUDGET AMENDMENT – CONSIDERATION OF AMENDING THE FY 2020 BUDGET APPROPRIATION ORDINANCE FOR A NATIONAL RECREATION AND PARKS GRANT

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

ORDINANCE NO. 2019-08.05

AMENDING THE FISCAL YEAR 2020 BUDGET APPROPRIATION ORDINANCE TO PROVIDE FOR A NATIONAL RECREATION AND PARKS ASSOCIATION GRANT AWARD IN THE AMOUNT OF \$110,000.

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

CONSIDERATION OF THE DONATION OF PARKING FINES TO THE DANVILLE PUBLIC SCHOOLS EDUCATION FOUNDATION, INC.

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

ORDINANCE NO. 2019-08.06

APPROPRIATING THE FUNDS COLLECTED FROM PARKING TICKETS ISSUED DURING THE MONTH OF JULY 2019 TO THE DANVILLE PUBLIC SCHOOLS EDUCATION FOUNDATION, INC.

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

Vice Mayor Vogler thanked Jennifer Gregory who brought this possibility to his attention. He reached out to the City Manager and it moved on from there. Mr. Vogler noted he was strongly in support of this; the City needs to have strong partnerships, particularly with the schools. The most important resource the City has are the youth. Any opportunity Council has to do something that would benefit them, they need to consider.

Council Member Saunders questioned if Council knows how much money this would be and City Manager Ken Larking noted staff does not have that information yet. Based on previous history for the past twelve months, it has not been more than \$1,000, it ranges between \$700 and \$1,000 per month; he anticipates it will be within that range. Mr. Saunders noted he supports the motion with the understanding the City does not have a lot of money, and was glad it was a one time motion. Council Member Miller noted it is not a large amount, it was symbolic, it does go to the schools for books; Council needs to make sure it doesn't get lost in the public school education fund and used for general budgeting items. Vice Mayor Vogler noted it will be going directly to get the school supplies to the students; it was not going to the school system's budget.

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

VOTE: 8-0-1
AYE: Buckner, Campbell, Jones, Miller, Saunders,
Shanks, Vogler and Whittle (8)
ABSENT: Tomer (1)

COMMUNICATIONS

There were no communications from the City Manager, Deputy City Manager, or City Clerk. City Attorney Clarke Whitfield noted his best wishes to Mr. Tomer for a fast recovery.

ROLL CALL

Vice Mayor Vogler noted Council missed Mr. Tomer, was glad his surgery went well and looked forward to having him back soon. National Night Out was fantastic, Council had a great time, he enjoyed being out with other council members and meeting people in the community.

Council Member Whittle noted his best wishes Council Member Tomer. Mr. Whittle noted it was great to see the police department at the schools today, greeting the students, and noted his condolences to the Womack family.

Council Member Buckner noted to Mr. Tomer, Council was thinking about him and hopes he gets back on his feet soon. National Night Out was a great success, Council Members had a great time and was glad everyone came out to participate. Mr. Buckner spoke with a friend of his, a great teacher in the City, Nina Haymore, about *Not in My Town*, an anti-bullying campaign. He and the Mayor will be bringing more to Council about it in the near future. It was a very good program that the City needs to look into.

Council Member Campbell noted his prayers were with Mr. Tomer. Reverend Campbell stated he enjoyed meeting the citizens at National Night Out, and appreciates the camaraderie. To

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the City Manager and Deputy City Manager about the recent mass shootings, he wondered what preventive measures can be created. Mayor Jones noted his agreement and asked the City Manager to bring this back to a work session for discussion.

Council Member Miller noted he missed Mr. Tomer at National Night Out. On Third Avenue, near the police precinct, there used to be a park located there. The north side of Danville needs a park, thinks that would be a good location and asked the City Manager to look into that. Dr. Miller reminded citizens to be safe in the heat.

Council Member Saunders noted their prayers are with Mr. Tomer and his family. National Night Out was a great success and the Mayor did a great job representing the City. Special thanks to the police officers, Sheriff's Department, Adult Detention, everyone involved in public safety, they do a good job taking care of the City and Council thanks them for their service. Mr. Saunders noted school was starting and reminded citizens to watch out for the children.

Council Member Shanks noted many thanks to those who organized and participated in National Night Out, it was another great night. To Mr. Tomer, he was in their prayers and looks forward to his speedy recovery.

Mayor Jones noted he reached out to Mr. Tomer today, and asked citizens to continue to remember him in their prayers. Mayor Jones thanked everyone who worked so hard on National Night Out, to the Council Members who participated, thanks to those who were here tonight, and Council Member Shanks for his input. Mayor Jones stated he has received many phone calls about bullying and has asked the City Manager, City Attorney, the Police Chief and others, for Danville to be among the first to put a stop to bullying. The City was going to put some things in place and asked the City Manager to discuss this.

City Manager Ken Larking noted he has spoken to the police chief and others about some things the City can do; some of this is preliminary and he will review some that are currently in place. There was a collaboration with the Danville Public Schools Systems; they have invested in a *Stop It* mobile app which was an anonymous reporting tool that people can report bullying. It will be investigated to determine if there is something that can be done to alleviate that. The City has routine interaction with the Coordinator of Safety and Security and have responded to several social media threats that were reported after school hours last year. The city's response was immediate because Mr. Chaney with DPS was available 24/7 and was able to contact the City's SRO officers and detectives whenever needed. One thing he has seen in most communities when they have had a tragedy like El Paso or Dayton, was that everybody says, I can't believe it happened here. That was why it was so important for people, when they see something suspicious, or are worried about something, to say something.

The school resource officers are teaching classes on the subject of bullying in the public schools and it covers personal safety, sexting, bullying and other items; the City is trying to stay on top of it in that respect. Mr. Larking noted he hoped citizens encouraged their students, when they are in those classes, to take that information seriously. It could be a matter of life or death for them. If there was an instance where it rises to a criminal investigation, the City will look into it and will take appropriate action, for things like stalking, communicating threats verbally or electronically, hazing, using profane language, or threatening others.

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The City was looking at another app called P3. This would be expanded throughout the community, it wouldn't apply just to students, to report, anonymously, suspicious activity or threats. That would be tied into the crime stopper system; it is another avenue of see something, say something. In addition, the City will be doing some public information events, getting the word out through various media, and will look into what Council Member Buckner brought up as well. If anyone has any other ideas, they will look into them.

City Attorney Clarke Whitfield noted unless and until a person has been bullied, people don't understand it. One thing they have started doing in their office was to research how to protect not only students, but employees, public officials and officers from threats and bullying, while at the same time, making sure they don't violate someone's First Amendment rights. They will also meet with the Police Department, the City Manager's office, some Council Members and Mayor to see what they can do as well. Bullying does not belong in this community and was looking forward to seeing the *Not in My Town* program.

Mayor Jones noted in this country, everyday, 3,041 attempted suicides are made by young people between the grades of 9-12. Suicide was the second largest cause of death for college students; it was time to put a stop to it. People have contacted him that have started bullying groups and asked what they can do; if they are forming a group and want to partner with the City, background check the people that are part of the group. This is a serious problem in the community, and he encouraged citizens not to take action on their own against bullies.

Dr. Miller and Mr. Buckner noted this should be a unified effort of the entire Council and community. Mr. Saunders noted bullying was verbal and nonverbal and asked the City Attorney while researching this, those that speak up on behalf of those being bullied, they don't want them to be charged with something either. Vice Mayor Vogler thanked the Mayor for being out front and working on this issue, and was excited to see the different partners coming together. Today it was more dangerous because of social media; it was not just about young people in school.

Mayor Jones thanked the City Manager, Deputy City Manager, City Attorney and the Police Chief for looking into this.

The meeting adjourned at 8:16 p.m.

APPROVED:

s/ Alonzo L. Jones
MAYOR

ATTEST:

s/ Susan M. DeMasi, CMC
CITY CLERK