July 7, 2020

The Regular July meeting of the Danville City Council was held on July 7, 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, Mayor Alonzo L. Jones, Barry P. Mayo, Vice Mayor Gary P. Miller, Sherman M. Saunders, J. Lee Vogler, Jr., and Madison J.R. Whittle (7). L.G. "Larry" Campbell Jr., 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 Sherman M. Saunders

APPOINTMENTS

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

RESOLUTION NO. 2020-07.01

APPOINTING SAMUEL A. KUSHNER AS AN INTERIM MEMBER OF THE DANVILLE CITY COUNCIL.

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

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

City Clerk Susan DeMasi, swore in Mr. Kushner as the Interim Member of Danville City Council.

COMMUNICATIONS FROM VISITORS

City Council received one comment submitted through the City's website. Transcripts of all messages received are distributed to Council Members and attached to the minutes of this meeting.

Mayor Jones recognized Bruce Hedrick, 25 Old Halifax Road, Danville, VA, who runs Southside Central and noted his displeasure with the Council appointment process to appoint the Interim City Council Member.

Mayor Jones recognized Tosha Chaffins, 250 Arnett Boulevard, who spoke against the Confederate flags flying in the City of Danville, and noted the elderly people would like to start going back to Bingo.

Mayor Jones recognized Cherie Tamson, 528 South Woodberry Avenue, who noted her disagreement with the appointment process for the Interim City Council Member, and stated she and her husband had supported Fred Shanks for that position.

Mayor Jones recognized Tommy Bennett, new President of the Danville NAACP, who welcomed Mr. Kushner to Council. Mr. Bennett thanked the Council Members who attended the opening of the NAACP office, discussed their voter registration drive for the upcoming election and stated that the City needed to have a female on City Council.

Mayor Jones recognized Hart Whittle, 116 Walden Court, who noted his support of Fred Shanks to fill the Interim City Council seat.

Mayor Jones recognized Betty Collins, 401 Charles Street, who noted she put in an application at Seeland Crossing for an apartment and requested assistance with that.

MEETING MINUTES

Upon Motion by Council Member Saunders and second by Council Member Buckner, Minutes from the Regular Council Meeting held on June 2, 2020 were approved as presented. Draft copies of the minutes had been distributed prior to the meeting.

NEW BUSINESS

VACATING A RIGHT OF WAY ON WESTMINSTER COURT

Mayor Jones opened the floor for a Public Hearing regarding vacating a right of way on Westminster Court. Notice of the Public Hearing was published in the *Danville Register & Bee* on June 25, 2020 and July 2, 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. 2020-07.01

VACATING APPROXIMATELY 0.06 ACRE OF PUBLIC RIGHT-OF-WAY ON WESTMINSTER COURT

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

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

REZONING FROM OT-R OLD TOWN RESIDENTIAL TO "CONDITIONAL" HR-C HIGHWAY RETAIL COMMERCIAL, 215 ASH STREET

Mayor Jones opened the floor for a Public Hearing regarding Rezoning at 215 Ash Street. Notice of the Public Hearing was published in the *Danville Register & Bee* on June 23, 2020 and June 30, 2020.

Mayor Jones recognized Dana Neilson, applicant, 40 East 760 North, American Fork, Utah. Ms. Neilson explained the kennel was built in 1965, has only ever been a kennel, and had thought

she had sold it. She did not get a business license and it ended up going out of the grandfather clause; she was here before Council to try and get the zoning correct so she can get her business license, and run the business legally. There was no other purpose for the building; if the zoning was not changed and she did not get a special use permit, it will just be an empty building.

Mayor Jones recognized Paulette Dean, Old Piney Forest Road, Director of the Danville Area Humane Society, who spoke in favor of the rezoning. Ms. Dean stated the kennel does provide a service to the community, as the DAHS uses it to help when they have an overflow of animals.

Mayor Jones recognized Sarah Gentry, 204 Ash Street, who spoke in favor of the rezoning for the kennel noting there have never been any problems with the animals and she has no problem with the kennel being located there

Mayor Jones recognized Richard Kendrick, 211 Ash Street who explained his mother built the kennel in 1965 and operated it until the mid-eighties. It has served the Danville community well, taking very good care of the animals brought in to be boarded or groomed. The City doesn't need another empty building and the community needs the kennel

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

ORDINANCE NO. 2020-07.02

REZONING FROM OT-R OLD TOWN RESIDENTIAL DISTRICT TO "CONDITIONAL" HR-C HIGHWAY RETAIL COMMERCIAL DISTRICT, 215 ASH STREET (PARCEL ID# 73005), OTHERWISE KNOWN AS GRID 1807, BLOCK 003, PARCEL ID# 000049, OF THE CITY OF DANVILLE, ZONING DISTRICT MAP.

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

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

GRANTING A SPECIAL USE PERMIT FOR A COMMERCIAL KENNEL AT 215 ASH STREET

Mayor Jones opened the floor for a Public Hearing regarding a Special Use Permit at 215 Ash Street. Notice of the Public Hearing was published in the *Danville Register & Bee* on June 23, 2020 and June 30, 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. 2020-07.03

GRANTING A SPECIAL USE PERMIT FOR A COMMERCIAL KENNEL IN ACCORDANCE WITH ARTICLE 3.M, SECTION C, ITEM 7 OF THE ZONING ORDINANCE OF THE CODE OF CITY OF DANVILLE, VIRGINIA 1986, AS AMENDED, AT 215 ASH STREET (PARCEL ID# 73005), OTHERWISE KNOWN AS GRID 1807, BLOCK 003, PARCEL ID# 000049, OF THE CITY OF DANVILLE, ZONING DISTRICT MAP.

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

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

AUTHORIZING THE CITY MANAGER TO AMEND THE 2016 PSEG AGREEMENT

Vice Mayor Miller **moved** for adoption of a Resolution entitled:

RESOLUTION NO. 2020-07.02

AUTHORIZING THE CITY MANAGER TO AMEND THE 2016 PUBLIC SERVICE ENTERPRISE GROUP (PSEG) ELECTRIC CAPACITY HEDGE TO INCLUDE NEW TERMS FOR SCHEDULING THE CAPACITY WITHIN OTHER ZONES WITHIN THE PJM INTERCONNECTION SYSTEM.

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

Director of Utilities Jason Grey explained this item was to correct an unforeseen issue in the original agreement the City entered into in 2019; it will maintain the integrity of the original agreement. There were some zone changes within the PJM that will negatively impact the City; this was a financial amendment to the original that keeps the City whole.

Vice Mayor Miller asked Mr. Grey to remind citizens what was occurring during the next two weeks and Mr. Grey stated the City was in peak season. It had its highest peak yesterday and will probably pass that in the next few days, and certainly in the next few weeks as temperatures increase. They would remind citizens to help out with transmission capacity costs that are billed based on the City's highest peak hours of the year. Citizens can help reduce the costs for 2021, and the best time was between 2:00 p.m. and 6:00 p.m.: delay dishwashing, clothes drying, and turn the thermostat up a few degrees. This helps to reduce demand during those periods of time. If the City can lower their demand, it helps their power cost for the next year.

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

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

CONSIDERATION OF FILING A WRIT OF SPECIAL ELECTION

Council Member Buckner **moved** to adopt a Resolution entitled:

RESOLUTION NO. 2020-07.03

RESOLUTION OF THE COUNCIL OF THE CITY OF DANVILLE APPROVING AND AUTHORIZING THE FILING OF A PETITION OF SPECIAL ELECTION WITH THE CIRCUIT COURT OF THE CITY OF DANVILLE TO ELECT A PERSON TO FILL THE SEAT VACATED BY ADAM TOMER.

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

City Attorney Clarke Whitfield noted the way the Virginia Code reads, the Council was allowed to appoint someone, which they did, but to make the seat permanent and to fill the unexpired term of the person who left the seat, the City has to file a Writ of Election. The Court has to approve the election and the election should appear as a special election on the November 3rd ballot. That person would fill the balance of Mr. Tomer's term.

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

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

COMMUNICATIONS

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

Council Member Whittle noted it was nice to see Senator Kaine in town yesterday, showing interest in the City's Federal Historic Tax Credit program; they would like to see some announcements coming through his office as soon as they can. Mr. Whittle stated he was also at the NAACP gathering, Tommy Bennett was the new president, and it was a good learning experience for him. The Danville Rotary Field of Honor was great, and he wanted to thank them for doing that.

Council Member Buckner welcomed Mr. Kushner and noted he looked forward serving with him.

Council Member Kushner noted he was very pleased to be joining Council and thanked them for expressing confidence in him. During the next four months, he doubts he will be able to do much harm and looks forward to working with them. Mr. Kushner noted a friend of his has been infected with COVID, there have been 151,000 deaths in the United States and by November they can expect to have 200,000. Mr. Kushner stated he believes the time has come for each person to do the right thing, do a little bit and wear their masks. Mr. Kushner introduced his wife Faye Kushner.

Council Member Mayo noted he got through his first meeting, welcomed Mr. Kushner and looked forward to working with Council, handling City business. Mr. Mayo noted kudos to Chief Booth and the police department for the good news of the crime rate down in Danville.

Vice Mayor Miller welcomed Mr. Kushner, and was glad to hear him talk about wearing masks. Dr. Miller stated he heard the average age of new cases in Florida was twenty-one years old. People need to do better wearing masks, keep social distancing and avoid large crowds. Dr. Miller welcomed Ty'Quan Graves, who was now Vice Chair of the School Board and congratulated Crystal Cobbs, the new Chair of the School Board. Dr. Miller noted he attended the opening of the NAACP's

new office in Danville, it was a great event; he has been a member of the NAACP for years. Parks and Recreation won another award, the Southeast Tourism award for two events, the Light Show and the Monster Mash.

Council Member Saunders thanked all the Council Members, it was a pleasure serving with them, and thanked them for what they do every day. Mr. Saunders welcomed Council Member Kushner and thanked Mr. Bennett for the opening of the new NAACP office, it was a grand event and noted he has been a member of the NAACP since he was five years old. Mr. Saunders thanked the residents for what they do every day, also to the first responders, and police officers as well.

Mayor Jones noted the Danville Police Department reported the lowest crime rate in five years. The new Vice Chair of the Danville School Board was in attendance, congratulations on his position; the School Board meeting was coming up and they should have information on the reopening of the schools. Mayor Jones stated Tommy Bennett has been very active in the community for a long time, he has always had a passion for Danville, and thanked him for his work, bringing people together in the community. Senator Kaine was in Danville, with staff, community members, and thanked them for representing the City. Mayor Jones thanked all those that spoke tonight, this was their Council and appreciated them for coming forth.

The meeting adjourned at: 7:58 p.m.

APPROVED:

s/Alonzo L. Jones
MAYOR

ATTEST:

s/Susan M. DeMasi, CMC
CITY CLERK