

July 2, 2019

The Regular July meeting of the Danville City Council was held on July 2, 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, 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 (7). L.G. "Larry" Campbell Jr., and Adam J. Tomer were absent (2). *Mr. Shanks entered the meeting at 7:02 p.m.*

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 Vice Mayor J. Lee Vogler, Jr., followed by the Pledge of Allegiance to the Flag.

COMMUNICATIONS FROM VISITORS

Mayor Jones recognized Jessie Barksdale, a member of the Airport Commission, who gave Council an update on the Airport Open House and Young Eagles Rally held on June 22, 2019, with a short video produced by Mark Aron. Mr. Barksdale noted it was a great day with 128 children completing free flights, and hundreds of others taking Airport tours at Averett Flight Center, Civil Air Patrol, and the Flight Tower; the Science Museum also participated with a Star Lab. Council Members thanked Marc Aron for the video, and thanked Mr. Adelman and Mr. Barksdale.

MINUTES

Upon **Motion** by Council Member Buckner and **second** by Council Member Whittle, Minutes of the Regular Council Meeting held on June 4, 2019 were approved as presented. Draft copies of the minutes had been distributed prior to the meeting.

NEW BUSINESS

PUBLIC HEARING – CONSIDERATION OF AUTHORIZING AN APPLICATION TO THE VIRGINIA DEPARTMENT OF RAIL AND PUBLIC TRANSPORTATION FOR GRANT FUNDS

Mayor Jones opened the floor for a Public Hearing regarding an Application to the Virginia Department of Rail and Public Transportation. Notice of the Public Hearing was published in the *Danville Register & Bee* on June 19, 2019 and June 23, 2019. No one present desired to be heard and the Public Hearing was closed.

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

RESOLUTION NO. 2019-07.01

AUTHORIZING AN APPLICATION BY THE CITY TO THE VIRGINIA DEPARTMENT OF RAIL AND PUBLIC TRANSPORTATION FOR GRANTS FOR OPERATING AND CAPITAL COSTS FOR PUBLIC TRANSPORTATION FISCAL YEAR 2020.

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

VOTE: 7-0-2
AYE: Buckner, Jones, Miller, Saunders,
Shanks, Vogler and Whittle (7)
NAY: None
ABSENT: Campbell, Tomer (2)

**BUDGET APPROPRIATION – CONSIDERATION OF AMENDING THE FISCAL YEAR 2020
BUDGET APPROPRIATION ORDINANCE TO PROVIDE FOR STATE DEMONSTRATION
GRANT FUNDS RELATED TO REGIONAL BUS SERVICE**

Mayor Jones opened the floor for a Public Hearing regarding Grant Funds for Regional Bus Service. Notice of the Public Hearing was published in the *Danville Register & Bee* on June 19, 2019 and June 23, 2019. No one present desired to be heard and the Public Hearing was closed.

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

ORDINANCE NO. 2019-07.01

AMENDING THE FISCAL YEAR 2020 BUDGET APPROPRIATION ORDINANCE TO PROVIDE FOR STATE DEMONSTRATION GRANT ASSISTANCE FUNDS RELATED TO THE PROVISION OF REGIONAL BUS SERVICE BY THE DANVILLE TRANSIT SYSTEM TO HALIFAX AND PITTSYLVANIA COUNTIES IN THE AMOUNT OF \$183,275, CASH FARE REVENUES IN THE AMOUNT OF \$24,192 AND FOR THE LOCAL SHARE IN THE AMOUNT OF \$45,819 FOR A TOTAL APPROPRIATION OF \$253,286 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 TO PROVIDE FOR STATE DEPARTMENT OF
AVIATION MAINTENANCE GRANT FUNDS**

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

ORDINANCE NO. 2019-07.02

AMENDING THE FISCAL YEAR 2020 BUDGET APPROPRIATION ORDINANCE TO PROVIDE FOR STATE DEPARTMENT OF AVIATION MAINTENANCE GRANT FUNDS RELATED TO THE MAINTENANCE OF CERTAIN AIRPORT PROPERTIES IN THE AMOUNT OF \$100,000 AND FOR THE LOCAL SHARE IN THE AMOUNT OF \$52,750 FOR A TOTAL APPROPRIATION OF \$152,750 AND APPROPRIATING THE SAME.

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

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PUBLIC HEARING – CONSIDERATION OF REZONING FROM OT-R, OLD TOWN RESIDENTIAL TO TW-C, TOBACCO WAREHOUSE DISTRICT, PARCEL ID#S 22511 AND 26632

Mayor Jones opened the floor for a Public Hearing regarding Rezoning Parcels 22511 and 26632. Notice of the Public Hearing was published in the *Danville Register & Bee* on June 18, 2019 and June 25, 2019.

Mayor Jones recognized Bennis Butler, representing World Media, the parent company of the Register & Bee. The subject parcels adjoin the Register & Bee building on the west side and front on Franklin Street. The Register & Bee building only has twenty-seven parking spaces, this would permit the owner of the building to add additional parking spaces as the need arises. 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. 2019-07.03

REZONING FROM OT-R OLD TOWN RESIDENTIAL TO TW-C TOBACCO WAREHOUSE DISTRICT PARCELS 22511 AND 26632, OTHERWISE KNOWN AS GRID 2718, BLOCK 019, PARCELS 000012 AND 000011 OF THE CITY OF DANVILLE, VIRGINIA ZONING DISTRICT MAP.

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

VOTE: 7-0-2
AYE: Buckner, Jones, Miller, Saunders,
Shanks, Vogler and Whittle (7)
NAY: None
ABSENT: Campbell, Tomer (2)

PUBLIC HEARING – CONSIDERATION OF REZONING FROM N-C, NEIGHBORHOOD COMMERCIAL AND S-R, SUBURBAN RESIDENTIAL TO “CONDITIONAL” NT-R, NEO-TRADITIONAL RESIDENTIAL, PORTIONS OF PARCEL ID#S 59958 AND 51032

Mayor Jones opened the floor for a Public Hearing regarding Rezoning Parcels 59958 and 51032. Notice of the Public Hearing was published in the *Danville Register & Bee* on June 18, 2019 and June 25, 2019.

Mayor Jones recognized Kim Aldridge, Executive Director of the local Habitat for Humanity. Ms. Aldridge explained that St. Luke's United Methodist Church had donated approximately six to seven acres of land to them. They would like to see the property rezoned to give them the ability to build close to thirty homes. 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. 2019-07.04

REZONING FROM N-C NEIGHBORHOOD COMMERCIAL AND S-R SUBURBAN RESIDENTIAL TO “CONDITIONAL” NT-R NEO-TRADITIONAL RESIDENTIAL DISTRICT PARCELS 59958 AND 51032, OTHERWISE KNOWN AS GRID 2918, BLOCK, 004,

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PARCELS 000033 AND 000018 OF THE CITY OF DANVILLE, VIRGINIA ZONING DISTRICT MAP.

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

VOTE: 7-0-2
AYE: Buckner, Jones, Miller, Saunders,
Shanks, Vogler and Whittle (7)
NAY: None
ABSENT: Campbell, Tomer (2)

PUBLIC HEARING – CONSIDERATION OF AMENDING THE ZONING ORDINANCE TO ALLOW FOR SHORT-TERM RENTALS OF ENTIRE HOMES WITHIN RESIDENTIAL DISTRICTS

Mayor Jones opened the floor for a Public Hearing regarding Amending the Zoning Ordinance for Short-Term Rentals of Homes. Notice of the Public Hearing was published in the *Danville Register & Bee* on June 18, 2019 and June 25, 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. 2019-07.05

AMENDING CHAPTER 41, ENTITLED “ZONING ORDINANCE” OF THE CODE OF THE CITY OF DANVILLE, VIRGINIA, 1986, AS AMENDED, MORE SPECIFICALLY ARTICLE 2, ENTITLED “GENERAL REGULATIONS”, VARIOUS SUB-ARTICLES AND SECTIONS OF ARTICLE 3, ENTITLED “ZONING DISTRICTS”, AND ARTICLE 15, ENTITLED “DEFINITIONS”, SECTION B, ENTITLED “DEFINITIONS” TO ALLOW FOR SHORT-TERM RENTALS OF AN ENTIRE HOME WITHIN RESIDENTIAL DISTRICTS.

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

Council Member Shanks asked Senior Planner Bryce Johnson to summarize the changes with regard to homes as short terms rentals. Mr. Johnson explained the entire home may be rented on a short-term basis; staff and the Planning Commission are recommending that it be by Special Use Permit. Staff did recommend some safety requirements with the Planning Commission, based on what other cities are doing. Mr. Shanks noted the question he was most concerned about was where a special exception permit was and was not required. Mr. Johnson stated the special use permit would be required in all residential districts and was not required in the transitional districts where bed and breakfasts are allowed by right.

Council Member Saunders requested Mr. Johnson explain if the City was going to collect tax on the property, how will it do that on a short term rental and why are there short term rentals in residential neighborhoods. Mr. Johnson explained this has come up before where people are renting out their homes, similar to a hotel room except it was in a residential house. This was making the process a little clearer for people who want to do that, to make it consistent with City regulations in terms of safety as well as recording taxes. The Planning Commission did recommend that City Council look at how they want to tax it; right now it was taxed with the hotels, but they didn't know if Council wanted to look at it separately.

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Vice Mayor Vogler noted what was being discussed was an opportunity that was based in the private sector to potentially revitalize neighborhoods in the City. Other localities have allowed for this, and there are numerous examples of neighborhoods that were completely revitalized by people being able to rent homes in this manner. There are a number of events happening in this area that fill up the hotels; people need somewhere to stay, and there are a growing number of people who prefer an authentic experience when they stay somewhere. Allowing a property owner to have that ability is a good thing. This was getting the City in line with where most of the localities have been for a long time. If anyone wants to see what these types of projects can do, drive down Plum Street and see what one citizen has done. Mr. Vogler noted he was in favor of this item.

Mr. Shanks noted since the special exemption permit was in place, he was in favor of this item. Plum Street was an excellent example of how a neighborhood can be transformed. Mr. Shanks stated what bothers him was this Council recently approved bed and breakfasts without a special exception permit and that was wrong. If someone owns a home, they should have the opportunity to present their thoughts to Council with regard to development that occurs in a residential neighborhood. Mr. Shanks noted he does not understand how Council passed the last one, and wants to make sure the City planning staff, members of Council and other members of the community understand that personal property rights should be protected; that was what the Zoning Law was all about. Council made a big mistake and he would like to see that undone.

Council Member Whittle questioned if the Commissioner of Revenue had reviewed this item and Mr. Johnson noted staff had been discussing this with him throughout the process, and he was fine with it. Council Member Miller questioned someone who wanted to rent out their house for a year to someone and Mr. Johnson explained that would be ordinary residential rental. The short term rentals being discussed stipulate less than a month. Dr. Miller asked what that person's obligation was to the City, who rents it out for a year, do they pay tax and Mr. Johnson noted it would just be the property tax; to his knowledge there is no separate tax for that.

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

VOTE: 7-0-2
AYE: Buckner, Jones, Miller, Saunders,
Shanks, Vogler and Whittle (7)
NAY: None
ABSENT: Campbell, Tomer (2)

PUBLIC HEARING – CONSIDERATION OF GRANTING A SPECIAL USE PERMIT AT 500 PLUM STREET FOR SHORT-TERM HOME RENTAL

Mayor Jones opened the floor for a Public Hearing regarding a Special Use Permit at 500 Plum Street. Notice of the Public Hearing was published in the *Danville Register & Bee* on June 18, 2019 and June 25, 2019.

Mayor Jones recognized RJ Lackey representing the applicant with regard to a short term rental. The applicant owns a house on Plum Street where he lives, they were at Council about a year ago about a piece of property beside him that he was renting. Mr. Davis bought another house, tore it down and has a building permit for another house to rent out on Airbnb. No one further desired to be heard and the Public Hearing was closed.

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

ORDINANCE NO. 2019-07.06

GRANTING A SPECIAL USE PERMIT FOR A SHORT-TERM HOME RENTAL IN ACCORDANCE WITH ARTICLE 3.E, SECTION C, ITEM 29 OF THE CODE OF THE CITY OF DANVILLE, VIRGINIA 1986 AS AMENDED AT 500 PLUM STREET, OTHERWISE KNOWN AS GRID 2710, BLOCK 006, PARCEL 000008 OF THE CITY OF DANVILLE, VIRGINIA ZONING DISTRICT MAP.

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

VOTE: 7-0-2
AYE: Buckner, Jones, Miller, Saunders,
Shanks, Vogler and Whittle (7)
NAY: None
ABSENT: Campbell, Tomer (2)

CONSIDERATION OF AMENDING THE RULES OF PROCEDURE FOR DANVILLE CITY COUNCIL

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

RESOLUTION NO. 2019-07.02

AMENDING THE RULES OF PROCEDURE FOR THE COUNCIL OF THE CITY OF DANVILLE, VIRGINIA.

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

VOTE: 7-0-2
AYE: Buckner, Jones, Miller, Saunders,
Shanks, Vogler and Whittle (7)
NAY: None
ABSENT: Campbell, Tomer (2)

COMMUNICATIONS

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

ROLL CALL

Vice Mayor Vogler noted a citizen brought to his attention an article about a program in Las Vegas; for a limited amount of time they are taking the parking tickets that have accumulated in the City and allowing citizens, rather than paying the parking ticket, donate school supplies up to or greater than the amount of the parking ticket. The citizen asked if that was something Danville could do. City Attorney Clarke Whitfield explained Virginia is a state that, unless they have the authority to do it, they can't do it. Nevada recently passed a law and have partially become a Home Rule State which means in regard to localities, as long as they don't specifically prohibit it, they can do it. In Virginia, the City can't actually take something other than money for parking tickets, however, the City could make a donation to a charitable

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organizations. It would have to be a situation where City Council would appropriate the money, take the fines from a defined period of time, and donate that to an organization such as the Danville Public Education Foundation, and they would then buy the supplies. Libraries are different, they are left up to the locality as to how they want to do those; if Council wanted to include that, people could pay their library fines with school supplies and that wouldn't require Council action. Vice Mayor Vogler noted he hopes Council can have this discussion and asked the City Manager the amount of parking ticket revenue brought in last year and Mr. Larking stated it was about \$960 last July.

Mr. Vogler asked the City Manager to provide an update on flood damage, and repairs on the Riverwalk. Mr. Larking noted Tropical Storm Michael created several million dollars of damage to public infrastructure; some was repaired quickly, such as electrical infrastructure. There are still multiple items on the list to do including the Riverwalk Trail; the bridge behind Public Works got washed out and was not able to be reused. It had to be reengineered which takes some time and that should be finished in December. There was a culvert on the Riverwalk Trail on Barker's Branch near the bypass, it has been washed out a couple of times, the last time was a huge washout and there wasn't a good way to repair it. It was requiring an extensive amount of work and was projected to be in place in December. There are many other projects throughout the City that staff was waiting for approvals from various Federal and State agencies. They are working with FEMA to get all the reimbursements possible, but FEMA will not reimburse for certain projects on major roadways, such as Memorial Drive. The FHWA, the Federal Highway Administration, will provide funding for that and the City has to go through a separate process. Staff believes it will be about twelve months before they are completely finished with everything that has been damaged. Mr. Vogler wished everyone a Happy Fourth of July.

Council Member Whittle noted the Rotary has done the Field of Honor and encouraged citizens to go and see it; they did a fantastic job. Mr. Whittle asked citizens to check on their neighbors in the extreme heat. Council did get a thank you from the DLSC at their awards banquet last week; they are appreciative of the increase in the funding. Mr. Whittle wished everyone a Happy Fourth of July.

Council Member Buckner reminded citizens of the Fourth of July festivities happening in the Carrington Pavilion with fireworks beginning at dark, and wished everyone a fun and safe Fourth of July.

Council Member Miller noted last week the wife of the Senate Majority leader announced as a lobbyist for the City of Norfolk for the Casino bill. Other cities are taking this very seriously, with a lot of jockeying for position. The citizens will decide if the City has casinos or off track betting but was afraid if Danville does not get in the game and aren't represented by a lobbyist, they will be left behind. Last week he was in Memphis and on the Mississippi River, at night from 8 to 11, they have a light show on all the bridges and believes the City could do something like that in Danville. Music on Main next week is the Cruise Control Band, he was sponsoring them and invited citizens to attend, and wished everyone a Happy Fourth of July.

Council Member Saunders noted it was always great to see Mr. Barksdale. The Young Eagles Program was very good; it was always good to invest in the young people, and special thanks to Mr. Barksdale and Mr. Adelman for putting that together. On July 13th, Hoops Don't Shoot was having a banquet at the River Church; Angie Dickerson and her board of volunteers are doing a great job with the young people, keeping them in school and out of trouble, and hopes everyone can attend the event. Mr. Saunders wished everyone a Happy Fourth of July.

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Council Member Shanks wished everyone a Happy Fourth of July.

City Manager Ken Larking noted the fireworks display this year, like last year, will be shot from the Main Street Bridge. If citizens want a good viewing point, there are a lot of great places to watch it including a limited number of spaces available on the future park site that Parks & Recreation was selling as a fundraiser to help pay for the park.

Mayor Jones recognized Marc Adelman and thanked him for all he has done to help the Airport Commission. There has been a lot going on this summer with tennis camps, police academy for the youth, the Airport, Rock Da Block and a number of people hiring young people during the summer, and hopes it continues. Mayor Jones wished citizens a safe and Happy Fourth of July.

The meeting adjourned at 7:48 p.m.

APPROVED:

s/ Alonzo L. Jones
MAYOR

ATTEST:

s/ Susan M. DeMasi, CMC
CITY CLERK