

March 2, 2021

The Regular March meeting of the Danville City Council was held on March 2, 2021, 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., Bryant Hood, Mayor Alonzo L. Jones, Barry P. Mayo, Vice Mayor Gary P. Miller, Sherman M. Saunders, 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.

INVOCATION

The Invocation was given by L.G. "Larry" Campbell, Jr., followed by the Pledge of Allegiance.

COMMUNICATIONS FROM VISITORS

Mayor Jones recognized Tommy Bennett, President of the Danville Chapter of the NAACP who discussed the Danville-Opoly game. Mr. Bennett noted he has received many complaints about the game because it did not include references to Danville's black history.

Mayor Jones recognized Barry Koplen, Danville, who noted his agreement with Mr. Bennett and thinks Walmart should pull the game.

MEETING MINUTES

Upon **Motion** by Council Member Buckner and **second** by Council Member Whittle, Minutes from the Regular Council Meeting held on February 2, 2021, were approved as presented. Draft copies of the minutes had been distributed prior to the meeting.

NEW BUSINESS

PUBLIC HEARING – CONSIDERATION OF REZONING 255 RANCH DRIVE FROM T-R THRESHOLD RESIDENTIAL TO SR-R SANDY RIVER RESIDENTIAL

Mayor Jones opened the floor for a Public Hearing regarding rezoning 255 Ranch Drive. Notice of the Public Hearing was published in the *Danville Register & Bee* on February 16, 2021 and February 23, 2021. 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. 2021-03.01

REZONING 255 RANCH DRIVE, PARCEL ID #70900 FROM T-R THRESHOLD RESIDENTIAL TO SR-R SANDY RIVER RESIDENTIAL

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

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

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PUBLIC HEARING – CONSIDERATION OF GRANTING A SPECIAL USE PERMIT FOR A MAXIMUM DENSITY WAIVER AT 618 CRAGHEAD STREET

Mayor Jones opened the floor for a Public Hearing regarding a Special Use Permit at 618 Craghead Street. Notice of the Public Hearing was published in the *Danville Register & Bee* on February 16, 2021 and February 23, 2021. 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. 2021-03.02

GRANTING SPECIAL USE PERMIT APPLICATION 2021-6 FOR A MAXIMUM DENSITY WAIVER IN ACCORDANCE WITH ARTICLE 3.L, SECTION C.13, OF THE CODE OF THE CITY OF DANVILLE VIRGINIA, 1986, AS AMENDED, AT 618 CRAGHEAD STREET, PARCEL ID #21748

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

Mr. Whittle questioned the difference between the maximum density waiver compared to what was in place now. Division Director of Planning Doug Plachcinski noted they were proposing fifty seven units per acre and the City has a residential density of twenty four units per acre in that district. Mr. Whittle noted he knows there was a parking issue downtown, does this give them double the parking spaces. Mr. Plachcinski stated it will generate approximately twice the parking as without the waiver; the recently completed parking study of that area shows a substantial surplus at this point in time. In response to Mayor Jones, Mr. Plachcinski stated there was ample parking adjacent to the development.

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

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

PUBLIC HEARING – CONSIDERATION OF GRANTING A SPECIAL USE PERMIT FOR A GARBAGE TRANSFER STATION AT 461 GYPSUM ROAD

Mayor Jones opened the floor for a Public Hearing regarding a Special Use Permit at 461 Gypsum Road. Notice of the Public Hearing was published in the *Danville Register & Bee* on February 16, 2021 and February 23, 2021.

Mayor Jones recognized Nick Setliff, Chief Operating Officer at First Piedmont Corporation, who explained the property in question was originally designed and built as a transfer station; it was operated by Waste Management when the City of Danville closed their landfill in the nineties. They would simply like to reinstate that; they have an existing landfill in their Ringgold facility and were reaching a point where they either have to rebuild that building or use the existing facility they have at Gypsum. No one further desired to be heard and the Public Hearing was closed.

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

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ORDINANCE NO. 2021-03.03

GRANTING SPECIAL USE PERMIT APPLICATION 2021-10 FOR A GARBAGE TRANSFER STATION IN ACCORDANCE WITH ARTICLE 3.Q, SECTION C.22, OF THE ZONING ORDINANCE OF THE CODE OF CITY OF DANVILLE, VIRGINIA, 1986, AS AMENDED, AT 461 GYPSUM ROAD, PARCEL ID#76479

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

Council Member Campbell questioned the history of why the landfill was closed, and was there any environmental dangers; Mr. Larking noted the former landfill was monitored for certain conditions, was under compliance and regulated appropriately. Mr. Larking stated he did not have the information on why it was closed. A lot of older landfills were closed because they were old, and it was more efficient and environmentally sound to work with other established lined landfills in other locations.

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

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

PUBLIC HEARING – CONSIDERATION OF GRANTING A SPECIAL USE PERMIT FOR A MINIMUM YARD REQUIREMENT WAIVER AT 2291 MEMORIAL DRIVE

Mayor Jones opened the floor for a Public Hearing regarding a Special Use Permit at 2291 Memorial Drive. Notice of the Public Hearing was published in the *Danville Register & Bee* on February 16, 2021 and February 23, 2021. No one present desired to be heard and the Public Hearing was closed.

Council Member Saunders noted one of the responders talked about having a seven year old child and a lot of children playing in the backyard near where this request was being made. Was that issue addressed by staff with the neighbor or what needs to happen to make sure her children would be safe. Mr. Plachcinski noted they have not addressed this particular concern yet, but staff will reach out and connect with the petitioner and property owner who had the concern and see if there was any mitigation that can happen.

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

ORDINANCE NO. 2021-03.04

GRANTING SPECIAL USE PERMIT APPLICATION 2021-33 A MINIMUM YARD REQUIREMENT WAIVER IN ACCORDANCE WITH ARTICLE 3.I, SECTION C.19, OF THE CODE OF THE CITY OF DANVILLE, VIRGINIA, 1986, AS AMENDED, AT 2291 MEMORIAL DRIVE, PARCEL ID #51478.

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

Mr. Whitfield explained this was for the Police Department; there was a minimum amount of space between two buildings, but the way the Police Department was designed, they will actually be

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closer than that, so there should be no effect on the neighbors. This was making those buildings as close together as they were designed to be, to be legal under the City Code.

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

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

PUBLIC HEARING – CONSIDERATION OF GRANTING A SPECIAL USE PERMIT FOR AN ACCESSORY USE AT 864 MONUMENT STREET

Mayor Jones opened the floor for a Public Hearing regarding a Special Use Permit at 864 Monument Street. Notice of the Public Hearing was published in the *Danville Register & Bee* on February 16, 2021 and February 23, 2021.

Mayor Jones recognized Mike Herbert with Delorean Power, Alexandria, Virginia, whose company has been developing this project in collaboration with Jason Grey at Danville Utilities. This will be used to dispatch the battery during peak events, saving the City money on their wholesale electricity costs. 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. 2021-03.05

GRANTING SPECIAL USE PERMIT APPLICATION 2021-34 FOR AN ACCESSORY USE IN ACCORDANCE WITH ARTICLE 3.L, SECTION C.14, OF THE ZONING ORDINANCE OF THE CODE OF CITY OF DANVILLE, VIRGINIA, 1986, AS AMENDED, AT 864 MONUMENT STREET. PARCEL ID#24916.

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

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

CONSIDERATION OF AMENDING CHAPTER 2 OF THE DANVILLE CITY CODE TO ADD AN EX-OFFICIO MEMBER TO THE DANVILLE UTILITY COMMISSION

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

ORDINANCE NO. 2021-03.06

AMENDING AND REORDAINING SECTIONS 2-267 ENTITLED "COMPOSITION; APPOINTMENT AND QUALIFICATIONS OF MEMBERS OF UTILITY COMMISSION" 2-268 ENTITLED "TERMS OF MEMBERS; FILLING OF VACANCIES" AND 2-271 ENTITLED "CHAIR AND VICE-CHAIRMAN" OF ARTICLE XI ENTITLED "UTILITY COMMISSION" OF CHAPTER 2

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ENTITLED "ADMINISTRATION" OF THE CODE OF THE CITY OF DANVILLE, VIRGINIA, 1986,
AS AMENDED

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

Council Member Vogler noted this was discussed several years ago, he had thought it was a good idea and still thinks it was a good idea. Pittsylvania County residents make up close to 40% of the customer base of Danville Utilities. The City talks about regional cooperation, so it makes sense for them to have a seat at the table when the Utility discussions were had. Mr. Vogler noted his support of this item.

Council Member Saunders noted the request tonight was to add someone from the Pittsylvania County Board of Supervisors, who would not be a voting member. Mr. Saunders stated while he was not opposed to the motion, it was his understanding the Utility Commission often talks about matters of economic development; that was a private matter for all jurisdictions. When he served on the Pittsylvania County Economic Development Association, and then became a member of City Council, when matters of Pittsylvania County only economic development were discussed, he excused himself. He did not think he should be in the room as a Danville City Council member. He was asking, should that occur in Danville, speaking about economic development specifically for the City, that the Pittsylvania County person appointed, please excuse himself or herself.

Vice Mayor Miller stated this was a non-voting member and in consultation with the City Attorney, he does not think Council can require them to excuse themselves, but they were under all confidentiality restrictions. If the Commission goes into closed session and they chose to remain in there, it was like meetings they have with RIFA; they have to keep things confidential. Mayor Jones asked the City Attorney, in those meetings, can there be a document signed by the individual stating that all business matters must be confidential. Mr. Whitfield stated they can do that and it might not be a bad idea since they were not City Council, to have each of them sign; it was very few times they go into closed session for economic development. Mr. Saunders questioned if they could at least ask for a gentlemen's agreement to respect the privacy of a jurisdiction, if that person has no residential address there and Mr. Whitfield stated he thinks they can do that. The proper protocol might be for the City Manager to address the County Administrator; if they choose to stay in, the City can make them sign a confidentiality agreement.

Council Member Buckner stated he thought this was a great thing, he believes the County makes up about 40% of customers in utilities and it was about time they had some representation on the board. Mr. Buckner noted he does not think anyone would have a problem with a gentlemen's agreement. Council Member Whittle stated he thought there was a seat available for a Pittsylvania County resident, it could be a board supervisor or anybody for that position. Mr. Whitfield stated as he understood it, it could be someone from Halifax, Henry or Pittsylvania County. He did not think it was limited to elected officials, it was basically a seat for those citizens who receive electricity from the City of Danville and were not residents of the City.

City Manager Ken Larking explained the City Code right now allows for one member who was not in the City limits and one member at large which means that second person could be in the City or out of the City; up to two members can be County residents, and they were voting members. What was under consideration here was to have a Pittsylvania County Board of Supervisor member as an ex-officio member, similar to Dr. Miller's position; it was a non-voting member.

Mr. Vogler stated what they were discussing tonight was a non-voting position. They would have the ability to be in the room for the discussions and being an elected official, it was someone who

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was directly accountable to Pittsylvania County residents. They can go back to their citizens and have first-hand accounts of why decisions were made; it was a good thing to improve relationships. Mr. Vogler noted he was in support of this item.

Mr. Saunders stated this would be two positions on the commission that would not necessarily be Danville City residents and Mr. Whitfield noted that was correct. There was a requirement that somebody who gets their utilities from Danville be on the Commission, but they can't live in the City limits. The at large member also at times has switched back and forth between being a citizen of Danville and a citizen of Pittsylvania County. Mr. Larking stated it might need to be someone served by the utilities as well. Vice Mayor Miller noted this was a request from the County and, as Mr. Vogler stated, it gives the County residents someone they know and have access to, when they have utility issues. It was a non-voting member, they can make comments, and gather or give information.

Council Member Campbell questioned Mr. Saunders' concerns with reference to the City of Danville, it would be better for that person to step out of the meeting and Mr. Saunders stated that would be the way he would see it. That was what he did when he served on a Pittsylvania County board after he was elected to Council and they discussed economic development issues for the County only. He felt, and they agreed, it was inappropriate that he be in those meetings.

Mr. Whitfield noted something that was mentioned that should be added to the Code section, and Council might want to amend this code section to say that, not only were they a Pittsylvania County Board of Supervisors member, but also a customer of Danville Utilities. Council would move to amend the Ordinance requiring the person to be a customer of Danville Utilities.

Mr. Saunders **moved** to amend the Motion to include that the Pittsylvania County Board of Supervisors member would also be a customer of Danville Utilities. The Amendment to the Motion was **seconded** by Council Member Buckner and carried by the following vote:

VOTE: 8-1
AYE: Buckner, Campbell, Hood, Jones, Mayo,
Miller, Saunders, and Vogler (8)
NAY: Whittle

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

VOTE: 8-1
AYE: Buckner, Campbell, Hood, Jones, Mayo,
Miller, Saunders, and Vogler (8)
NAY: Whittle

Mayor Jones noted he, Dr. Miller, Mr. Larking, the County Administrator and the Chair and Vice Chair of the Pittsylvania County Board of Supervisors had a great mini-retreat at the Airport. The purpose was to continue to build those relationships. They have also planned a quarterly lunch where they will meet and continue to build upon those relationships. Mayor Jones thought the meeting went very well.

COMMUNICATIONS

City Manager Ken Larking noted he wanted to announce to City Council and the Public a new vaccination clinic that can serve as a mass vaccination site. He and Corrie Bobe had a meeting

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with the owners of the mall a couple weeks ago. They graciously offered the former JCP site as a permanent/semi-permanent location, to serve not only Danville, but the surrounding areas as well for mass vaccinations through the end of the summer and maybe after that if necessary. Mr. Larking noted his appreciation to the people at the mall for allowing them to use that site, they were offering it to the City at no cost – and there will be no cost to the mall. The City will pay the utilities, if there was an issue related to the facilities, the City would take care of it. Mr. Larking noted he also wanted to announce that the team has been working locally with the health department, hospital, Pittsylvania County, Averett University and the DCC nursing staff. The City will have a clinic this Friday at JCP. They have had volunteers from many organizations, people that have gone out into the community to make sure the underserved have been represented and were able to register for the appointments. They have volunteers who vaccinated, registered citizens, and directed traffic, with a tremendous amount of community involvement for these events. Mr. Larking noted his great appreciation to all those organizations working together, pulling together their resources to make these things happen. With the help of all those partners, a lot of City departments, Parks & Recreation, Public Works, Fire, Police, IT and Utilities, they basically have the site up and ready; all they have to do was bring the people and get them vaccinated. Citizens do have to pre-register and get an appointment, they cannot just show up. They were going out to the community to get at risk citizens to make sure they have an opportunity to register. Anyone who has challenges with technology, they will assist those people, before it goes out to the broader groups. Mr. Larking thanked all the partners again and noted this was just the beginning; the hope was to ramp up the site so it was going at an almost every day basis, with thousands of vaccines every day until the entire community was up to herd immunity.

Mayor Jones thanked the City Manager for getting this done and was glad to hear the team would be helping people get into the system. There was a new liaison from Richmond, Tracy Deshazor, a Danville native, the Governor has just appointed here. Senior citizens were having a tough time registering electronically and she was offering to help Danville with this. Dr. Miller noted his senior patients were having a difficult time with the technology and that there was only one website now to register: vaccinate.virginia.gov. If citizens were not registered previously, they need to go to that website and get on the list. Dr. Miller commended Mr. Larking for getting this together so quickly.

In response to Mr. Saunders' questions, Mr. Larking noted it was his understanding that the portal was a pre-registration site; citizens would get a notification when there was an opportunity to get a vaccine. If citizens had an opportunity to get a vaccine at their pharmacy, doctor or some other place, to go ahead and get it if they wanted to. Council Member Vogler noted the CVSs in the region have made the vaccine available; to sign up it was CVS.com/immunization/COVID-19-vaccine.

Mr. Larking noted Friday was the planned first clinic and they have started recruiting volunteers; that was the first step in the process. The second step was to go out in the community and get as many of those people who were not tech savvy signed up as quickly as possible. Mr. Larking noted this has reinforced something he knows intuitively and that was the importance of community and partnerships. They have a great community of institutions who have trust within the City, were able to come together and put these events on, trusting that each person involved, each group involved would do their part to make it happen. He would encourage people to look after their family members, people in the neighborhood; if they know there was someone that was not tech savvy, volunteer to register them. Mr. Larking noted he wanted to give a shout out to his department heads, he sent out an email, it was his number one priority to get the community vaccinated and whatever they could do as a team to make that happen and they have really stepped up. He very much appreciated it.

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

Council Member Buckner noted he wanted speak about the homeless problem in the City with children, adults and families. One of the biggest reasons for this was the City does not have a place for homeless people to go other than the homeless shelter on Patton Street, who were doing an excellent job. The City of Los Angeles recently opened a homeless community and thinks the biggest reason Danville hasn't done something like that, was the requirements in place about required square footages to be called a dwelling. People in Los Angeles were producing very small, energy efficient homes for the homeless people to spend the night in, right in the middle of Los Angeles. He realizes that Danville does not have the problems of Los Angeles, but if Council can do something to help people get back on their feet, he was for it. He would like Council to discuss this in the very near future.

Council Member Campbell commended Mr. Buckner for an excellent idea; homelessness in Danville has increased. Mr. Campbell noted he spoke with a pastor this week, Pastor Larry Dade at Sandy Creek, who honored Sherman and Sandy Saunders for their many years of service. Mr. Campbell noted it was outstanding that they gave more praise to his wife than Mr. Saunders.

Council Member Hood noted he wanted to speak on his own transparency. With the weather being nice, he was able to get out into the community and safely talk to citizens. Their responses showed him a lot; he feels that what a lot of citizens want to see was even more transparency. Mr. Hood commended everyone on Council and staff today, and his appreciation to Mr. Saunders for bringing up his concern, because that was a concern of his as well. To get a better understanding as a new member, he has been sitting back and soaking up information. He does not want to be a city leader, but a city servant, to be able to hear things and take things in from the community. Tonight he felt Council showed a lot of transparency and concerns to see what was best for the City.

Council Member Mayo stated his agreement with Mr. Hood, because there was so much information given to Council and so much to take in. Mr. Mayo noted a great job to the City Manager getting everyone together for the vaccination center; he has received a lot of phone calls and can send people in the right direction. He also wanted to mention PATHS was going out to many places including Danville, Pittsylvania County, Boynton, Martinsville and surrounding areas. Mr. Buckner had a good point with what he said about the homeless; he wanted to add with the transition of offenders coming out of incarceration, some have the same homelessness. He would like to see more with halfway houses being established for those individuals who do not have a place to live or who have lost connections with family.

Vice Mayor Miller noted today he got a call from a gentlemen from California who wanted to know about Danville. He has looked up and down the East Coast, he and his wife want to relocate and one name that kept popping up was Danville, Virginia. It looked like a good place and wanted to speak to someone who lived here, did they think the community was thriving, and was it on its way up. Dr. Miller spoke to him about the new resort casino and downtown, all the new businesses that were coming and then found out he and his wife had already spoken to a realtor. Dr. Miller stated the only negative thing was that some of the City's website information on crime; the daughter was concerned that crime was high. Dr. Miller reassured them that the crime was down. Dr. Miller gave a shout out to Reverend Bridgeforth advocating for the people; he was in the hospital for a long time but was getting better.

Council Member Saunders noted to all Council Members, the City Manager, Deputy City Manager, City Attorney, City Clerk, and all 1,100 city employees, thanks for what they all do every single day, and thanks to their families for supporting them.

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Council Member Vogler noted about a week ago citizens shared a link to an article talking about the innovative solution to homelessness being done in Los Angeles; there were also places like Minnesota doing similar things. He spoke to Mr. Buckner, who stated he had already seen it, and was looking to see what they could do to make it happen. Mr. Vogler noted he was in agreement with Mr. Buckner about this and the first thing they need to do was fix the regulations in place that have prevented the City from doing this in the past. These were pre-fabricated tiny homes that were solving the problem of homelessness. There were children in the school system who do not have a roof over their head at night and that was unacceptable, not only for one family but for the numbers they were seeing. Mr. Vogler stated he believed they have an opportunity to solve this problem and was ready for the City to move as quickly as possible.

Mayor Jones stated to hear Council tonight talk about those who were homeless or incarcerated, those who have had some tough times, and talking about caring and uniting people. People were given second chances and Mr. Mayo was very passionate about that; you never know what people were going through. Like Mr. Hood stated when you see people in the communities, you don't know what they were going through, but just pause and say how are you doing. Dr. Miller mentioned someone from California, seeing what Danville was doing; the City had new people coming into the community and they welcomed those persons. Mayor Jones noted new businesses were opening in the community, the Candy Shack, Captain Cooks and the new funeral home on old Piney Forest Road, and he got word that the Mayflower was opening back up in a few weeks. Danville is a great place to be.

ADJOURNED: 8:21 P.M.

APPROVED:

s/Alonzo L. Jones
MAYOR

ATTEST:

s/Susan M. DeMasi, CMC
CITY CLERK