

February 4, 2020

The Regular February meeting of the Danville City Council was held on February 4, 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, 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 Council Member Sherman M. Saunders; the Invocation was followed by the Pledge of Allegiance to the Flag.

ANNOUNCEMENTS AND SPECIAL RECOGNITIONS

Mayor Jones read a Proclamation entitled, "National Caregivers Day" and presented it to Sophia Bolakas, Program Coordinator at Ballou Senior Recreation Center. Ms. Bolakas informed Council about the National Caregiver Day event, and discussed caregiver awareness. The Event will be on February 21, 2020 from 11:00 a.m. to 2:00 p.m. at Ballou Recreation Center. Council Members thanked Ms. Bolakas for all that she does.

COMMUNICATIONS FROM VISITORS

Mayor Jones recognized Valerie Warner, Mabin Street, Danville, VA, who spoke about the upcoming census for 2020, and explained when people will be receiving information, job opportunities and getting the word out to citizens to make sure they fill out the census form.

Mayor Jones recognized the following citizens who spoke about the Constitution and the Second Amendment, and designating Danville as a Second Amendment Sanctuary City: Gordon Lyles, Danville, VA; Frank James, Blairs, VA; Thomas Howell, Danville, VA; Brandon Morris, Danville, VA; Judy Lyles, Danville, VA; Thomas Crozier, Halifax County, VA.

Mayor Jones thanked the citizens for being here this evening, Council did want to hear what they had to say.

MEETING MINUTES

Upon **Motion** by Council Member Buckner, and **second** by Council Member Whittle, Minutes from the Regular Council Meeting held on January 7, 2020, were approved as presented. Draft copies of the minutes had been distributed prior to the meeting.

NEW BUSINESS

PUBLIC HEARING – CONSIDERATION OF GRANTING A SPECIAL USE PERMIT FOR WAIVER OF MINIMUM SETBACK REQUIREMENTS AT 350 MALL DRIVE

Mayor Jones opened the floor for a Public Hearing regarding Granting a Special Use Permit at 350 Mall Drive. Notice of the Public Hearing was published in the *Danville Register & Bee* on

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January 21, 2020 and January 28, 2020. Mayor Jones recognized Council Member Shanks who noted he was there on behalf of Danville Mall LLC., who wished to develop an outparcel at the Mall. They require a Special Use Permit for a setback for a dumpster pad enclosed by brick, similar to the one behind Firehouse Subs, and were asking for approval of that Special Use Permit. Council Member Miller questioned what would be located there; Mr. Shanks explained it was being developed as one outparcel with two buildings. It was speculative at this point, but one could be a restaurant and the other was a dental laboratory. 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. 2020-02.01

GRANTING A SPECIAL USE PERMIT FOR A WAIVER TO YARD REQUIREMENTS PER ARTICLE 3.N, SECTION C, ITEM 21, OF THE ZONING ORDINANCE OF THE CODE OF THE CITY OF DANVILLE, VIRGINIA 1986, AS AMENDED AT 350 MALL DRIVE, OTHERWISE KNOWN AS GRID 1709, BLOCK 001, PARCEL 0000021 OF THE CITY OF DANVILLE, VIRGINIA ZONING DISTRICT MAP.

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

VOTE: 8-0-1
AYE: Buckner, Campbell, Jones, Miller, Saunders,
Tomer, Vogler and Whittle (8)
NAY: None
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 a request for a Special Use Permit for a Waiver of Yard Setback Requirements at 350 Mall Drive, 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 4th day of February, 2020.

s/Fred O. Shanks, III

New Business Agenda Items B, C and D were withdrawn by the Applicant.

WITHDRAWN BY APPLICANT - CONSIDERATION OF DENYING A SPECIAL USE PERMIT AT 1225 FRANKLIN TURNPIKE FOR COMMERCIAL RECREATION (INDOORS)

A RESOLUTION DENYING SPECIAL USE PERMIT APPLICATION PLSUP20190000320, FILED BY ABDUL WAHID KHAN ON BEHALF OF CATBIRD PROPERTIES LLC, REQUESTING A SPECIAL USE PERMIT FOR COMMERCIAL RECREATION (INDOOR) IN ACCORDANCE WITH ARTICLE 3.J, SECTION C, ITEM 2 OF THE CODE OF CITY OF DANVILLE, VIRGINIA 1986, AS AMENDED AT 1225 FRANKLIN TURNPIKE, OTHERWISE KNOWN AS GRID 1916, BLOCK 003, PARCEL 000005 OF THE CITY OF DANVILLE, VIRGINIA ZONING DISTRICT MAP.

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WITHDRAWN BY APPLICANT - CONSIDERATION OF DENYING A SPECIAL USE PERMIT AT 1354 WESTOVER DRIVE FOR COMMERCIAL RECREATION (INDOOR)

A RESOLUTION DENYING SPECIAL USE PERMIT APPLICATION PLSUP20190000319, FILED BY INAM QAZI ON BEHALF OF UHA INC, REQUESTING A SPECIAL USE PERMIT FOR COMMERCIAL RECREATION (INDOOR) IN ACCORDANCE WITH ARTICLE 3.M, SECTION C, ITEM 4 OF THE ZONING ORDINANCE OF THE CODE OF CITY OF DANVILLE, VIRGINIA, 1986, AS AMENDED, AT 1354 WESTOVER DRIVE, OTHERWISE KNOWN AS GRID 0710, BLOCK 001, PARCEL 000006 OF THE CITY OF DANVILLE, VIRGINIA ZONING DISTRICT MAP.

WITHDRAWN BY APPLICANT - CONSIDERATION OF DENYING A SPECIAL USE PERMIT AT 1371 PINEY FOREST ROAD FOR COMMERCIAL RECREATION (INDOOR)

A RESOLUTION DENYING SPECIAL USE PERMIT APPLICATION PLSUP20190000317, FILED BY ABDUL NASIR ON BEHALF OF HRNA LLC, REQUESTING A SPECIAL USE PERMIT FOR COMMERCIAL RECREATION (INDOOR) IN ACCORDANCE WITH ARTICLE 3.M, SECTION C, ITEM 4 OF THE ZONING ORDINANCE OF THE CODE OF CITY OF DANVILLE, VIRGINIA, 1986, AS AMENDED, AT 1371 PINEY FOREST ROAD, OTHERWISE KNOWN AS GRID 1920, BLOCK 013, PARCEL 000092 OF THE CITY OF DANVILLE, VIRGINIA ZONING DISTRICT MAP.

PUBLIC HEARING – DENYING A SPECIAL USE PERMIT FOR COMMERCIAL RECREATION (INDOOR) AT 688 MOUNT CROSS ROAD

Mayor Jones opened the floor for a Public Hearing regarding Denying a Special Use Permit at 688 Mount Cross Road. Notice of the Public Hearing was published in the *Danville Register & Bee* on January 21, 2020 and January 28, 2020. No one present desired to be heard and the Public Hearing was closed.

Council Member Shanks **moved** to **Remand Back to the Planning Commission**, a Resolution entitled:

RESOLUTION NO. 2020-02.01

DENYING A SPECIAL USE PERMIT FOR COMMERCIAL RECREATION (INDOOR) IN ACCORDANCE WITH ARTICLE 3.M, SECTION C, ITEM 4 OF THE ZONING ORDINANCE OF THE CODE OF CITY OF DANVILLE, VIRGINIA, 1986, AS AMENDED, AT 688 MOUNT CROSS ROAD, OTHERWISE KNOWN AS GRID 0708, BLOCK 001, PARCEL 000012 OF THE CITY OF DANVILLE, VIRGINIA ZONING DISTRICT MAP.

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

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

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PUBLIC HEARING – CONSIDERATION OF VACATING APPROXIMATELY 0.05 ACRES OF RIGHT OF WAY ON PRESTON PLACE

Mayor Jones opened the floor for a Public Hearing regarding Vacating a Right of Way on Preston Place. Notice of the Public Hearing was published in the *Danville Register & Bee* on January 27, 2020 and February 3, 2020. 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. 2020-02.02

VACATING APPROXIMATELY 0.05 ACRES OF PUBLIC RIGHT-OF-WAY ON PRESTON PLACE.

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

Mr. Buckner noted a typo on the Agenda, it should be Preston Place, not Preston Drive.

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

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

CONSIDERATION OF ENDORSING THE STRATEGIC TARGETED AFFORDABLE ROADWAY SOLUTIONS (STARS) STUDY ON RIVERSIDE DRIVE

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

RESOLUTION NO. 2020-02.02

ENDORSING THE STRATEGIC TARGETED AFFORDABLE ROADWAY SOLUTIONS (STARS) STUDY ON RIVERSIDE DRIVE INITIATED AND FUNDED BY THE VIRGINIA DEPARTMENT OF TRANSPORTATION.

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

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

CONSIDERATION OF AUTHORIZING AND APPROVING A REQUEST TO VDOT TO ADD LANE MILES TO THE DANVILLE HIGHWAY MAINTENANCE SYSTEM

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

RESOLUTION NO. 2020-02.03

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AUTHORIZING AND APPROVING A REQUEST BY THE CITY OF DANVILLE TO THE VIRGINIA DEPARTMENT OF TRANSPORTATION THAT LANE MILES BE ADDED TO THE DANVILLE HIGHWAY MAINTENANCE SYSTEM.

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

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

CONSIDERATION OF AMENDING THE FISCAL YEAR 2020 BUDGET APPROPRIATION ORDINANCE FOR VDOT FUNDS FOR TWO TRAIL EXTENSION PROJECTS

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

ORDINANCE NO. 2020-02.03

AMENDING THE FISCAL YEAR 2020 BUDGET APPROPRIATION ORDINANCE FOR TWO TRAIL EXTENSION PROJECTS TO BE UNDERTAKEN WITHIN THE CITY OF DANVILLE AND TO BE FINANCED ANTICIPATING REVENUES FROM THE VIRGINIA DEPARTMENT OF TRANSPORTATION - TRANSPORTATION ALTERNATIVES PROGRAM.

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

COMMUNICATIONS

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

ROLL CALL

Council Member Tomer thanked everyone for coming to Council this evening and appreciated them exercising their right to speak before government.

Vice Mayor Vogler thanked all the Virginians who came tonight, spoke and those who came in support. Mr. Vogler thanked the people that reached out to him and his family while he was home sick.

Council Member Whittle noted he appreciated everyone showing up tonight. Chambers fill up when people are passionate about an issue; he appreciates the citizens showing up to the meetings.

Council Member Buckner thanked citizens for coming out to speak tonight on all their rights, and voicing their support. Mr. Buckner encouraged people to watch out for each other and check on their neighbors.

Council Member Campbell thanked the citizens for coming out to express themselves, and wished everyone a Happy Valentine's Day.

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Council Member Miller encouraged people to get their flu shot. Dr. Miller noted he was in Richmond with Delegate Marshall this morning, to hear SB36 with the City Manager and Mr. Saunders, in the Senate Laws Subcommittee. Mr. Larking did a great job stating the case for Danville.

Council Member Saunders echoed Dr. Miller's statements and commended Mr. Larking and his staff for the great job they did. Mr. Saunders noted the Chair of the Committee commended Mr. Larking as well. Mr. Saunders stated to Mayor Jones, he does an excellent job as chair, and Mayor of the City. He was very respectful to visitors, he listens to them, controls the meeting very well, and thanked him for his service.

Council Member Shanks noted his agreement with Mr. Saunders on the Mayor's job as Mayor of the City. To the citizens that attended, he feels their passion and there is not one person on Council who does not support the Second Amendment, it was just a difference in philosophy amongst the members of how to display that. Mr. Shanks encouraged them to continue to contact members of Council for this matter or anything else.

Mayor Jones recognized all the citizens who came to speak and stated that Danville has a great City Council. They listen to their citizens, they may not always agree with one another, but they continue to work together and get along with each. Mayor Jones thanked Dr. Miller and Council Member Saunders for representing Danville in Richmond.

The meeting adjourned at: 8:08 p.m.

APPROVED:

s/Alonzo L. Jones
MAYOR

ATTEST:

s/Susan M. DeMasi, CMC
CITY CLERK