

January 7, 2020

The Regular January meeting of the Danville City Council was held on January 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: 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 (7). James B. Buckner and Adam J. Tomer were absent (2).

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; the Invocation was followed by the Pledge of Allegiance to the Flag.

ANNOUNCEMENTS AND SPECIAL RECOGNITIONS

Proclamation: National Mentoring Month, Big Brothers Big Sisters
Presented to: Pat Daniel, Executive Director
Mike Mondul, Vice President
Melvena Beasley, Secretary
Norma Brower, Sandy Wingate, Reverend Cecil Bridgeforth

Ms. Daniel thanked City Council for their support of Danville Big Brothers, Big Sisters. Big Brothers, Big Sisters are the defenders of potential; they work to bring out what the children already have in them, salvage it and make them better than they have been before.

COMMUNICATIONS FROM VISITORS

Mayor Jones recognized Bobby Pleasant, 630 Mount Cross Road, who noted he was at the last meeting, discussed the situation at his property, and invited Council to come out to look at it. Mr. Pleasant presented a letter from his tenant about her children getting on the bus. Mr. Pleasant wanted to know if anyone came by his house; Mayor Jones stated he had, and would ask the City Manager to set up a meeting with Mr. Pleasant.

Mayor Jones recognized Reverend Cecil Bridgeforth, Edmonds Street, who noted citizens of Danville feel all the City funds are funneled into the River District and downtown; they feel left out, and questioned when will the City focus on the less fortunate.

Mayor Jones recognized the following citizens who spoke in favor of Council taking a stand, adopting a Resolution designating Danville as a Second Amendment Sanctuary City, and asking the General Assembly to uphold Constitutional law. Several citizens questioned whose side the Council Members were on, and which Council Members supported such a Resolution: Chuck Vipperman; Danville, Jessie Roach, Danville; Joshua Jennings, owner of Guns, Gear and Ammo; Beth Anderson, Danville; William Cole, Pittsylvania County; Robert Hicks, Danville. Mayor Jones noted the citizens have been very cordial and polite in their request over the last several weeks, and stated City Council honors the Constitution. Council Member Whittle stood to show his support of the citizens who spoke. Council Member Shanks noted he would be making comments during Roll Call at the end of the meeting, and will have a request for the Mayor and City Council.

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CONSENT AGENDA

Mayor Jones opened the floor for a Public Hearing regarding the Budget item on the Consent Agenda. Notice of the Public Hearing was published in the *Danville Register & Bee* on December 31, 2019. No one present desired to be heard the Public Hearing was closed.

Council Member Saunders **moved** for adoption of the following Consent Agenda items:

Minutes from the Regular Council Meeting held on December 3, 2019. Draft copies of the minutes had been distributed prior to the meeting.

Budget Amendment – Amending the Fiscal Year 2020 Budget Appropriation Ordinance for HUD Project Funds in the Amount of \$1,211,757.

Ordinance No. 2019-12.09, presented by its First Reading on December 17, 2019, amending the Fiscal Year 2020 Budget Appropriation Ordinance for Projects to be or being undertaken to Improve the Danville Community Financed with Community Development Block Grant, Home Investment Partnership Funds from the U.S. Department of Housing and Urban Development, and Estimated Program Income for a Total Appropriation of \$1,211,757.00.

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

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

NEW BUSINESS

PUBLIC HEARING – CONSIDERATION OF GRANTING A SPECIAL USE PERMIT AT 1076 WEST MAIN STREET FOR WAIVER TO YARD REQUIREMENTS

Mayor Jones opened the floor for a Public Hearing regarding a Special Use Permit at 1076 West Main Street. Notice of the Public Hearing was published in the *Danville Register & Bee* on December 24, 2019 and December 31, 2019. No one present desired to be heard and the Public Hearing was closed.

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

ORDINANCE NO. 2020-01.01

GRANTING A SPECIAL USE PERMIT FOR A WAIVER TO YARD REQUIREMENTS PER ARTICLE 3.Q, SECTION B, ITEM 23 & ARTICLE 3.0, SECTION C, ITEM 25, OF THE ZONING ORDINANCE OF THE CODE OF CITY OF DANVILLE, VIRGINIA, 1986, AS AMENDED, AT 1076 WEST MAIN STREET, OTHERWISE KNOWN AS GRID 1605, BLOCK 004, PARCEL 0000035 OF THE CITY OF DANVILLE, VIRGINIA ZONING DISTRICT MAP.

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

VOTE: 6-0-1-2

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AYE: Campbell, Jones, Miller, Saunders,
Vogler and Whittle (6)
NAY: None
ABSTAIN: Shanks (1)
ABSENT: Buckner, Tomer (2)

STATEMENT OF CONFLICT OF INTEREST

I, Fred O. Shanks, III, do hereby state that I have a conflict of interest regarding the consideration of an Ordinance granting a Special Use Permit at 1076 West Main 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 7th day of January, 2020.

s/Fred O. Shanks, III

**PUBLIC HEARING – CONSIDERATION OF GRANTING A SPECIAL USE PERMIT AT 642
WORSHAM STREET FOR COMMERCIAL RECREATION (INDOOR)**

Mayor Jones opened the floor for a Public Hearing regarding a Special Use Permit at 642 Worsham Street. Notice of the Public Hearing was published in the *Danville Register & Bee* on December 24, 2019 and December 31, 2019. Mayor Jones recognized Attorney Robert Vaughan, representing the applicant who owns a convenience store at 642 Worsham Street, and applied for a Special Use Permit for gaming machines. Mr. Vaughan discussed the parking requirements for the convenience store, and noted that his client accepts the conditions suggested by the Planning Commission. No one further desired to be heard and the public hearing was closed.

Council Member Shanks **moved**, consistent with actions taken by City Council at the last business meeting, that this item, an Ordinance entitled:

ORDINANCE NO. 2020-01.02

GRANTING SPECIAL USE PERMIT APPLICATION PLSUP20190000297, FILED BY SATJEET KAUR ON BEHALF OF RIVER PENNY SAVER LLC, REQUESTING A SPECIAL USE PERMIT FOR COMMERCIAL RECREATION (INDOOR) IN ACCORDANCE WITH ARTICLE 3:K, SECTION C, ITEM 5 OF THE ZONING ORDINANCE OF THE CODE OF THE CITY OF DANVILLE, VIRGINIA, 1986, AS AMENDED, AT 642 WORSHAM STREET, OTHERWISE KNOWN AS GRID 2710, BLOCK 016, PARCEL 000010 OF THE CITY OF DANVILLE, VIRGINIA ZONING DISTRICT MAP.

be **SENT BACK TO THE PLANNING COMMISSION.**

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

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

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PUBLIC HEARING – CONSIDERATION OF GRANTING A SPECIAL USE PERMIT AT 2203 SOUTH BOSTON ROAD FOR COMMERCIAL RECREATION (INDOOR)

Mayor Jones opened the floor for a Public Hearing regarding a Special Use Permit at 2203 South Boston Road. Notice of the Public Hearing was published in the *Danville Register & Bee* on December 24, 2019 and December 31, 2019. No one present desired to be heard and the Public Hearing was closed.

Council Member Shanks **moved**, consistent with the previous motion, that this item, an Ordinance entitled:

ORDINANCE NO. 2020-01.03

GRANTING 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 THE CITY OF DANVILLE, VIRGINIA, 1986, AS AMENDED, AT 2203 SOUTH BOSTON ROAD, OTHERWISE KNOWN AS GRID 4719, BLOCK 004, PARCEL 000003 OF THE CITY OF DANVILLE, VIRGINIA ZONING DISTRICT MAP

be **SENT BACK TO THE PLANNING COMMISSION.**

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

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

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

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 December 24, 2019 and December 31, 2019. No one present desired to be heard and the Public Hearing was closed.

Council Member Shanks **moved**, consistent with his previous motions, that this item, a Resolution entitled:

RESOLUTION NO. 2020-01.01

DENYING SPECIAL USE PERMIT APPLICATION PLSUP20190000311, FILED BY DANNY GRAVES ON BEHALF OF LARRY SOYARS, 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 THE CITY OF DANVILLE, VIRGINIA, 1986, AS AMENDED, AT 688 MOUNT CROSS ROAD, SUITE B, OTHERWISE KNOWN AS GRID 0708, BLOCK 001, PARCEL 000012 OF THE CITY OF DANVILLE, VIRGINIA ZONING DISTRICT MAP.

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be **SENT BACK TO THE PLANNING COMMISSION**, until such time as the Planning Commission comes back with recommendations regarding this use.

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

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

PUBLIC HEARING – CONSIDERATION OF DENYING A SPECIAL USE PERMIT AT 2846 RIVERSIDE DRIVE FOR COMMERCIAL RECREATION (INDOOR)

Mayor Jones opened the floor for a Public Hearing regarding denying a Special Use Permit at 2846 Riverside Drive. Notice of the Public Hearing was published in the *Danville Register & Bee* on December 24, 2019 and December 31, 2019. No one present desired to be heard and the Public Hearing was closed.

Council Member Shanks **moved**, consistent with his previous motions, that this item, a Resolution entitled:

RESOLUTION NO. 2020-01.02

DENYING SPECIAL USE PERMIT APPLICATION PLSUP20190000312, FILED BY CHASE REEVES ON BEHALF OF JERRY DAVIS, 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 THE CITY OF DANVILLE, VIRGINIA, 1986, AS AMENDED, AT 2846 RIVERSIDE DRIVE, OTHERWISE KNOWN AS GRID 1710, BLOCK 006, PARCEL 000001 OF THE CITY OF DANVILLE, VIRGINIA ZONING DISTRICT MAP.

be **SENT BACK TO THE PLANNING COMMISSION**, until such time as the Planning Commission comes back with recommendations regarding this use.

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

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

PUBLIC HEARING – CONSIDERATION OF DENYING A SPECIAL USE PERMIT AT 545 MEMORIAL DRIVE FOR COMMERCIAL RECREATION (INDOOR)

Mayor Jones opened the floor for a Public Hearing regarding denying a Special Use Permit at 545 Memorial Drive. Notice of the Public Hearing was published in the *Danville Register & Bee* on December 24, 2019 and December 31, 2019.

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Mayor Jones recognized Mubashar Choudhrey, owner of the store at 545 Memorial Drive, who noted he did not understand why his application for a Special Use Permit was denied. He discussed the parking requirements for his store, stated business was very slow for the convenience stores and asked Council to bypass the issue of parking, and allow businesses to have the gaming machines. No one further desired to be heard and the Public Hearing was closed.

Council Member Shanks **moved**, consistent with his previous motions, that this item, a Resolution entitled:

RESOLUTION NO. 2020-01.03

DENYING SPECIAL USE PERMIT APPLICATION PLSUP20190000302, FILED BY MUBASHAR CHOUDHREY ON BEHALF OF CARLTON H. COX, 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 545 MEMORIAL DRIVE, OTHERWISE KNOWN AS GRID 1712, BLOCK 007 PARCEL 000004 OF THE CITY OF DANVILLE, VIRGINIA ZONING DISTRICT MAP.

be **SENT BACK TO THE PLANNING COMMISSION**, for further review. Mr. Shanks noted he was hopeful that there would no further fees charged with these re-applications and these applications remain active until this can be resolved.

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

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

City Attorney Clarke Whitfield explained Council was asking the Planning Commission to come up with certain guidelines in order for all the stores to be on even footing. They are sending this application back to be considered under those new regulations.

CONSIDERATION OF A SALES TAX REFERENDUM FOR DANVILLE PUBLIC SCHOOLS

Mayor Jones recognized Ms. Terri Hall, Chair of the Danville School Board, along with Mr. Brandon Adkins Chair of the Finance Committee. Ms. Hall noted they were at Council on behalf of the School Board to share their appreciation for Council's efforts in finding a strategy to generate revenue for major school construction and renovations identified throughout the school system. Ms. Hall stated they fully support the Resolution being considered this evening, asking the General Assembly to authorize a voter approved, general bond referendum for the City of Danville.

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

RESOLUTION NO. 2020-01.04

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REQUESTING THE GENERAL ASSEMBLY AMEND THE CODE OF VIRGINIA TO AUTHORIZE THE CITY OF DANVILLE TO CONDUCT A LOCAL REFERENDUM TO LEVY A SALES TAX NOT TO EXCEED ONE PERCENT (1%) IN ADDITION TO THE TAX AUTHORIZED UNDER § 58.1-605 TO PROVIDE REVENUE SOLELY FOR CAPITAL PROJECTS FOR CONSTRUCTION AND RENOVATION OF SCHOOLS WITHIN THE CITY OF DANVILLE

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

Council Member Miller noted his support stating each year that something was not done about funding the capital improvements for the schools, the cost will continue to go up; the City needs to take some action. Many of the schools are in bad shape, built in the 1950s, and all need some improvements especially the four mentioned, GWHS, Woodbury, Langston and GLH Johnson. Council Member Shanks explained this was going to the General Assembly to give the citizens of Danville the right to either approve or not approve a 1% tax increase. It was up to the School Board to make the public aware of the plan, and the cost, and the citizens get to decide whether they were going to support this. Mr. Shanks noted he would support the proposed Resolution. Vice Mayor Vogler stated the only action Council was taking tonight was a resolution of support to the General Assembly, to allow the people of Danville to decide if they want to approve this or not. If the General Assembly approves this, it comes back to the citizens. At that time the School Board and School system will have the opportunity to share their vision for where the school system will be moving forward, and make that case to the public. Council Member Saunders noted he does support this measure, and hopes it passes. If it does pass, and Danville gets the opportunity to have the referendum, he certainly hopes that Council, the school system, the School Board and others will look at the long term plan. Council Member Campbell noted his agreement on what has been said, this was very important. One of the priorities that Council made was education; it was important to have a good school system for economic growth. There are a lot of good things going on in the City and some that needs improvement.

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

VOTE: 6-0-1-2
AYE: Campbell, Miller, Saunders,
Shanks, Vogler and Whittle (6)
NAY: None
ABSTAIN: Jones (1)
ABSENT: Buckner, Tomer (2)

STATEMENT OF CONFLICT OF INTEREST

I, Alonzo Jones, do hereby state that I have a conflict of interest regarding the consideration of a request to the General Assembly for a Sales Tax Referendum for Danville Public Schools, listed on the agenda as New Business Item (G). 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 7th day of January, 2020.

s/Alonzo L. Jones

COMMUNICATIONS

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City Manager Ken Larking apologized for being late; he and several staff were in Richmond to meet with the Tobacco Commission for economic development with the County, a meeting with an economic development prospect, and the last meeting was regarding the casino legislation.

ROLL CALL

Council Member Whittle noted he was glad to be back to doing the taxpayer's work.

Council Member Campbell noted he was glad Council was moving forward on the school's capital improvements, and wished everyone a Happy New Year. Mr. Campbell noted he believed citizens have the right to have a gun and those that spoke out tonight were very concerned. This was something Council needed to look at closely and make certain decisions.

Council Member Miller noted a citizen from the Almagro area talked to him about sidewalks and gutters in the neighborhood, and asked the City Manager to look into that. With regard to the grey machines, Council sympathizes with the convenience store owners; right now that was being looked at by the General Assembly and was confident something would come out of it. Dr. Miller noted the light show was an outstanding success, over \$13,000 to charities, and people came from all over the region to visit the show. At 6:00 p.m. on January 19th, Reverend Keen will lead the March Against Violence, and invited citizens to join them; the Martin Luther King breakfast was on the 20th, with tickets available.

Council Member Saunders congratulated the Mayor and all the supporters of the Harry Johnson Classic Tournament, it was very well attended; he was able to make some of the events, and others were sold out. Mr. Saunders wished everyone a Happy New Year and thanked Dr. Miller for mentioning the upcoming events for Martin Luther King Day.

Council Member Shanks noted the City Manager has been working on economic development projects today along with the Director of Economic Development Telly Tucker. Mr. Tucker was with clients; this would have been his last Council Meeting. Mr. Tucker was with the City for five and half years and accomplished a lot during that time including twenty one economic development announcements, ten of which were partnerships with the County, amounting to 1,625 new jobs and nearly \$450M of capital investment in the Danville Pittsylvania County region. The City had a lot to be grateful for with Mr. Tucker's experience and work product, as he goes to his new job in Arlington; Council wished him the best of luck. Mr. Shanks thanked the people who attended Council this evening for a Sanctuary City. He noted it didn't take much to know that something was wrong with what was about to take place in Richmond. It was not a democratic or republican issue, it was not an educated or not educated American, not a female or male American, it was not an African American issue over a white American issue. It seems to be a Northern Virginia issue versus a Virginia issue. With much of the legislative body being from Northern Virginia, the types of regulations they are proposing in Senate Bill 16 are crazy. Over the past several weeks he has been working on language for a Resolution that would symbolize to the citizens of the area, the belief that citizens do have, and should keep, the right to keep and bear arms, which was a fundamental right that should be protected to the greatest degree. This past week he attempted to get a resolution put on tonight's agenda, it wouldn't pass muster and Council didn't get to discuss it. Chesapeake last month passed a very well worded resolution in support of the Second Amendment Rights and he used that Resolution to present one to City Council, making three additions to it. Those additions related to unfunded mandates handed down by the State which would be included in the new laws. Virginia Beach passed a resolution in support of the Second Amendment and declared the City of Virginia Beach a Second Amendment Constitutional City. Mr. Shanks noted he had for each Council Member, a packet

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that includes the first resolution based on Chesapeake, the second resolution from Virginia Beach, and hopes the Council can come up with language they can all support. Mr. Shanks requested the Mayor put this on the agenda of the business meeting on January 21st; Mayor Jones noted they would discuss that in work session. Mr. Shanks read the Virginia Beach resolution aloud, noting there was nothing political in it, asked that Council work with this and come up with a document that expresses Council's concerns for the Constitution of the United States.

Vice Mayor Vogler noted the Harry Johnson Holiday Classic was a major success and thanked Mayor Jones for starting this, for asking Sylvia Brooks and himself to be co-chairs and then to put together the team that worked all last year to make those three days happen. The sell out crowds and smiling faces were evidence of how successful it was. They were already excited to start talking about the upcoming year. He and the Mayor attended an awesome ceremony at Remnant Church of Power, which just moved into the historic Moseley Memorial Methodist Church, which was his family's church for a number of decades. Mr. Vogler congratulated Pastor Fitzgerald, the people there, and looks forward to many more decades of history being made at that church. Mr. Vogler thanked the citizens who came to Council tonight to speak regarding the Second Amendment and thanked Council Member Shanks. Mr. Vogler stated he was a strong supporter of the Second Amendment, and there have been different variations of Resolutions passed throughout the Commonwealth. Year after year, this Council reaffirms its support for the Constitution, they are a Constitutional city. He hopes they have no issue making a strong statement that they are a Constitutional city that supports the Constitution and would ask the General Assembly not to do anything that would violate people's Constitutional rights. He would like Council to sit down and figure out something all Council could get behind and vote on that at the next meeting.

Mayor Jones thanked the Board of Directors of Big Brothers, Big Sisters for what they do. One thing the community needs more of was mentors; they do so much, and Council sincerely appreciates it. Mayor Jones noted they will miss Telly Tucker, he will be leaving the City, Friday was his last day, and he will be missed. Mayor Jones noted he had asked City Council to join him to bring back the basketball tournament and Council unanimously supported that. He thanked Council for that support, thanked all the departments in the City that helped with the tournament, the media that participated, and Danville Public Schools; it was a great success. Mayor Jones noted as a citizen with a concealed carry permit, he heard someone say that people think they are bad people; Mayor Jones noted they are not bad people. The General Assembly starts tomorrow, there are some other things that have not been stated that Danville was doing, that have to be considered as well.

The meeting adjourned at: 8:22 p.m.

APPROVED:

s/Alonzo L. Jones
MAYOR

ATTEST:

s/Susan M. DeMasi, CMC
CITY CLERK