

June 6, 2023

The Regular June meeting of the Danville City Council was held on June 6, 2023, 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 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., Deputy City Attorney Alan Spencer, and City Clerk Susan M. DeMasi.

Mayor Jones presided.

INVOCATION AND PLEDGE OF ALLEGIANCE

Vice Mayor Gary P. Miller gave the Invocation followed by the Pledge of Allegiance.

ANNOUNCEMENTS AND SPECIAL PRESENTATIONS

Certificate of Recognition: Vickie Fuquay

Presented To: The Family of Vickie Fuquay

Mayor Jones recognized the family of Vickie Fuquay who were in attendance. Melissa Fuquay thanked Council for recognizing the memory of her mother.

Update On: PLAN Danville

Presented By: Renee Burton, Division Director of Planning

Mayor Jones recognized Renee Burton and Marjorie Valentine. Ms. Burton gave a brief update on PLAN Danville which was a twenty year plan for the City. Ms. Valentine discussed the overwhelming response from citizens and community partners, the five phases of the plan were explained, as well as how community engagement helps to empower everyone during the process. There was a project storefront people can go to, and community events where people can see their voices being heard. Social media has been a great place for people to share posts and communicate with each other; over 75,000 people have been reached through social media. The Big Dream event will be on July 11 at Coates.

Council Member Whittle asked how they were reaching out to people that were not tech savvy or able to come to the store front, and Ms. Valentine explained that they were planning to do pop ups around the City to reach those people. Promotional products, media posts, and posters were being handed out to reach people as well. Council Member Campbell noted how impressed he was with the turn out and the activities that were being provided, and commended them on the excellent work they were doing. Council Member Buckner commented on the 2.8 million unique clicks and asked how many of those resulted in surveys being completed, and Ms. Valentine stated that over 1,000 people completed surveys. Mayor Jones commented that people often feel like no one wants to hear what they have to say and stated to the citizens, they want to hear what citizens have to say.

City Manager Ken Larking noted that one thing he asked staff to do when this process started was to bring a process and a proposal that would win a national award. The part that he was really excited about was the community ambassadors. A \$200,000 DRF grant was approved so they can have ambassadors throughout the community who can reach those who cannot come to the storefront, or were not tech savvy.

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Council thanked Ms. Burton and Ms. Valentine for the presentation.

MEETING MINUTES

Upon **Motion** by Council Member Vogler, and **second** by Council Member Campbell, Minutes from Regular Council Meeting held on May 2, 2023 were approved as presented. Draft copies of the Minutes had been distributed prior to the meeting.

OLD BUSINESS

CONSIDERATION OF FEE CHANGES EFFECTIVE JULY 1, 2023

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

AN ORDINANCE AMENDING AND ESTABLISHING AND INCREASING CERTAIN FEES OF THE CITY OF DANVILLE EFFECTIVE JULY 1, 2023.

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

Council Member Whittle questioned if wastewater or water fees were increasing, and Mr. Larking stated that utility fees were not included in this increase; fees included in this ordinance included fire department fees. The main fire department fee increases keep the department fees in line with what other jurisdictions were charging. Council Member Campbell noted that several citizens have asked why fees were increasing and it was important for them to understand that these fees were increasing to provide better services to the citizens. Council Member Saunders reminded everyone with regard to the utilities that they pay, please understand that utility funds also help the City to fund their regular city budget. In addition, with regards to the casino funds, those funds help Council's three priorities of education, reducing crime, and growing Danville. The City has to have funds to do that, and they have enough evidence already to show that these three priorities were being met and they were working. Vice Mayor Miller noted the City has to set aside casino funds so the City has ample funds for the future; at some point, North Carolina may start putting in casinos. Council Member Vogler noted he hopes Council has a conversation soon about setting aside a percentage every year that automatically goes into the reserve fund, from the casino funds, as a policy. Mayor Jones noted his agreement, that a plan needs to be in place.

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

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

NEW BUSINESS

PUBLIC HEARING - CONSIDERATION OF REZONING 3300 NORTH MAIN STREET FROM N-C NEIGHBORHOOD COMMERCIAL TO HR-C HIGHWAY RETAIL COMMERCIAL

Mayor Jones opened the floor for a Public Hearing regarding Rezoning 3300 North Main Street. Notice of the Public Hearing was published in the *Danville Register & Bee* on May 23, 2023 and May 30, 2023.

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Mayor Jones recognized Danielle Weaver with Kimley Horne, 4525 Main Street, Virginia Beach, VA, representing the applicant; Ms. Home noted she was there to answer any questions. 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. 2023-06.01

CONSIDERATION OF REZONING 3300 NORTH MAIN STREET FROM N-C NEIGHBORHOOD COMMERCIAL TO HR-C HIGHWAY RETAIL COMMERCIAL.

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 A SPECIAL USE PERMIT ON BALDWIN STREET FOR CONSTRUCTION OF A DUPLEX

Mayor Jones opened the floor for a Public Hearing regarding a Special Use Permit on Baldwin Street. Notice of the Public Hearing was published in the *Danville Register & Bee* on May 23, 2023 and May 30, 2023.

Mayor Jones recognized Edith Gowin, 45 Baldwin Street, who spoke against the construction of two duplexes on Baldwin Street and the support of single home use which was what the community has been since built. The duplex will cause an increase in noise, population, and parking issues.

Mayor Jones recognized Sandra Walton, 23 Baldwin Street, who spoke against the construction and asked that Mr. Leggett build two single family homes instead. Parking was going to be an issue as was noise.

Mayor Jones recognized Henry Leggett, applicant for the project, who stated that there would be no on-street parking and that parking will be on the lot. Each unit will only be 1200 square feet which was much smaller than the average house on that street.

No one further desired to be heard and the Public Hearing was closed.

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

ORDINANCE NO. 2023-06.02

AN ORDINANCE GRANTING SPECIAL USE PERMIT APPLICATION PZ23-00107, FILED BY HENRY LEGGETT, REQUESTING A SPECIAL USE PERMIT TO CONSTRUCT A DUPLEX AT PARCEL ID 60569 (BALDWIN STREET) IN ACCORDANCE WITH ARTICLE 3.E. SECTION C ITEM 1.

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

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Council Member Campbell asked if citizens came to the Planning Commission meeting to voice concerns over this, and if it was a unanimous vote to proceed. Zoning Administrator Renee Burton stated that several citizens attended the meeting, and the Planning Commission did unanimously vote to proceed.

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

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

PUBLIC HEARING - CONSIDERATION OF A SPECIAL USE PERMIT AT 821 HUGHES STREET (PARCEL 25373) FOR CONSTRUCTION OF A DUPLEX

Mayor Jones opened the floor for a Public Hearing regarding a Special Use Permit at 821 Hughes Street. Notice of the Public Hearing was published in the *Danville Register & Bee* on May 23, 2023 and May 30, 2023.

Mayor Jones recognized Thomas Brooks with Acres of Virginia Incorporated, representing the applicants and was available for any questions; handouts were given to Council regarding the project. Mr. Brooks reviewed traffic concerns and the types of housing that would be built on the property. No one further desired to be heard and the Public Hearing was closed.

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

ORDINANCE NO. 2023-06.03

AN ORDINANCE GRANTING SPECIAL USE PERMIT APPLICATION PZ23-00106, FILED BY ACRES OF VIRGINIA, INC., ON BEHALF OF JCJ HOLDINGS, LLC, REQUESTING A SPECIAL USE PERMIT TO CONSTRUCT A DUPLEX AT PARCEL ID 25373 (821 HUGHES STREET) IN ACCORDANCE WITH ARTICLE 3.E. SECTION C ITEM 1.

The Motion was **seconded** by Council Member Campbell and 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 AMENDING CHAPTER 41 ENTITLED "ZONING ORDINANCE" OF THE CITY OF DANVILLE, TO CREATE ARTICLE 3.X TITLED "WEST MAIN STREET CORRIDOR OVERLAY"

Mayor Jones opened the floor for a Public Hearing regarding Amending the Zoning Code for the West Main Street Corridor Overlay. Notice of the Public Hearing was published in the *Danville Register & Bee* on May 23, 2023 and May 30, 2023.

Mayor Jones recognized Robin Crews, 322 West Main Street, who spoke about concerns regarding regulations, design standards, and streetscapes that were currently defined as reserved. There were concerns over what those "reserved" definitions could mean and what this

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means for residents of that area, not being clarified in the context of the Zoning Ordinance. Residents were interested in knowing how this will impact current home ownership, what regulations will be imposed, and what barriers may be put in place. Ms. Crews suggested that Council consider a business only overlay area, and not include residents in this Zoning Ordinance. 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. 2023-06.04

AN ORDINANCE AMENDING CHAPTER 41 ENTITLED, "ZONING ORDINANCE" OF THE CODE OF THE CITY OF DANVILLE, VIRGINIA, 1986, AS AMENDED, MORE SPECIFICALLY, TO CREATE ARTICLE 3X, ENTITLED "WEST MAIN STREET CORRIDOR OVERLAY".

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

Council Member Buckner asked for clarification, it was his understanding that this was to ensure quality of businesses and new construction in the West Main corridor; it will not affect homeowners. Ms. Burton noted that was correct, this will not affect any current businesses or homeowners.

Council Member Whittle asked Ms. Crews if all of her questions were answered, and Ms. Crews asked if the Schoolfield Master Plan was available for review. Mayor Jones noted they were not there yet. There will be opportunities to speak with City employees in the community about what was being presented.

Council Member Whittle asked if the blue areas were around homes, the areas that have not been designated yet, and Mayor Jones stated that those areas were reserved and were not a part of this. Ms. Burton stated that there were areas within this particular section for signs, design standards, and streetscapes. These were marked as reserved now because they are empty. They do not have the regulations to infill those. That will come later as they develop the Schoolfield Master Plan and that was presented to the public.

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

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

PUBLIC HEARING - CONSIDERATION OF AMENDING CHAPTER 41 ENTITLED "ZONING ORDINANCE" OF THE CITY OF DANVILLE, TO AMEND ARTICLE 2 SECTION AA ENTITLED "CAMPGROUNDS"

Mayor Jones noted before he opened the Public Hearing, there has been much conversation about campgrounds and asked Council Member Vogler to discuss this issue. Council Member Vogler reminded everyone that the discussion tonight and what was being voted on tonight was just the policy. This did not have anything to do with any specific project; that would be in a separate vote.

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Mayor Jones opened the floor for a Public Hearing regarding Amending the Zoning Ordinance Regarding Campgrounds. Notice of the Public Hearing was published in the *Danville Register & Bee* on May 23, 2023 and May 30, 2023. No one present desired to speak and the Public Hearing was closed.

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

ORDINANCE NO. 2023-06.05

AN ORDINANCE AMENDING CHAPTER 41 ENTITLED, "ZONING ORDINANCE" OF THE CODE OF THE CITY OF DANVILLE, VIRGINIA, 1986, AS AMENDED, MORE SPECIFICALLY, TO AMEND ARTICLE 2 SECTION AA, ENTITLED "CAMPGROUNDS" TO INCLUDE REGULATIONS FOR ONSITE AMENITIES AND NOISE.

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

Council Member Whittle noted it seemed restrictive to thirty acres or more, and buffers and things that go with it, were those part of the plan, and Ms. Burton stated those regulations he mentioned were already in effect. This particular code change will only address amenities making them to registered guests only, and not open to the public. Mr. Whittle noted that if he was at the campground having a party, they would not be able to have people in from the public and Ms. Burton noted that was correct, only registered guests may take part in the amenities such as a pool, spa, restaurant, bar, grille, tennis courts; they were for the registered guests only, not for the general public.

Council Member Campbell questioned if there would be a traffic study done in this process and Ms. Burton explained the code amendment before Council does not address that, that would be development specific. Vice Mayor Miller asked if grandparents were registered guests, and their grandchildren came to visit for the day would they be able to use the pool and amenities, was there a stipulation for that and Ms. Burton noted there was not at this time; it was registered guests only. If that was something that staff needed to look at in the future, they can look at that case by case possibly, but at this time, the regulations would read registered guests only.

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

VOTE: 5-4
AYE: Vogler, Buckner, Jones, Mayo, and Miller (5)
NAY: Saunders, Whittle, Campbell, Hood (4)
ABSENT: None (0)

PUBLIC HEARING - CONSIDERATION OF AUTHORIZING THE RENEWAL OF A RADIO TOWER LEASE AT 646 EAGLE SPRINGS ROAD

Mayor Jones opened the floor for a Public Hearing regarding a Tower Lease at 646 Eagle Springs Road. Notice of the Public Hearing was published in the *Danville Register & Bee* on May 22, 2023 and May 28, 2023. No one present wished to speak and the Public Hearing was closed.

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

RESOLUTION NO. 2023-05.01

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A RESOLUTION AUTHORIZING THE RENEWAL OF A TOWER LEASE WITH AMERICAN TOWERS, LLC AT 646 EAGLE SPRINGS ROAD.

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

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

CONSIDERATION OF TRANSIENT OCCUPANCY TAX UPDATE

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

ORDINANCE NO. 2023-06.06

AN ORDINANCE REPEALING AND REORDAINING IN ITS ENTIRETY ARTICLE VI, ENTITLED "TAX ON TRANSIENT LODGERS" OF CHAPTER 37, ENTITLED "TAXATION" OF THE CODE OF THE CITY OF DANVILLE, VIRGINIA, 1986, AS AMENDED.

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

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

CONSIDERATION OF APPALACHIAN POWER EASEMENT AGREEMENT – WEST FORK SUBSTATION FOURTH DELIVERY POINT

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

RESOLUTION NO. 2023-06.02

A RESOLUTION AUTHORIZING AND APPROVING THE CITY OF DANVILLE, VIRGINIA TO ENTER INTO AN EASEMENT AGREEMENT WITH APPALACHIAN POWER COMPANY FOR LAND ASSOCIATED WITH THE CITY'S FOURTH ELECTRIC DELIVERY POINT.

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

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

BUDGET AMENDMENT - CONSIDERATION OF AMENDING THE FISCAL YEAR 2023 BUDGET APPROPRIATION ORDINANCE TO ACCEPT SCHOOLFIELD MASTER PLAN FUNDING FROM CAESARS LLC

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

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ORDINANCE NO. 2023-06.07

AN ORDINANCE AMENDING THE FISCAL YEAR 2023 BUDGET APPROPRIATION ORDINANCE BY INCREASING REVENUES FROM CAESARS VIRGINIA, LLC, CASINO REVENUES FOR THE SCHOOLFIELD MASTER PLAN FOR AN APPROPRIATION IN THE AMOUNT OF \$360,000 AND APPROPRIATING THE SAME.

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

BUDGET AMENDMENT - CONSIDERATION OF AMENDING THE FISCAL YEAR BUDGET APPROPRIATION ORDINANCE FOR A RECREATION ENRICHMENT PROGRAM IN THE AMOUNT OF \$262,494

Upon **Motion** by Council Member Vogler and **second** by Council Member Mayo, an Ordinance entitled:

ORDINANCE NO. 2023-06.08

AN ORDINANCE AMENDING THE FISCAL YEAR 2023 BUDGET APPROPRIATION ORDINANCE TO PROVIDE FOR FUNDS IN THE AMOUNT OF \$55,611 FOR A RECREATION ENRICHMENT PROGRAM AND THE LOCAL IN-KIND SHARE OF \$206,883 FOR A TOTAL APPROPRIATION OF \$262,494 AND APPROPRIATION OF SAME.

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

CONSIDERATION OF THE CITY OF DANVILLE BUDGET, CSP, AND BUDGET APPROPRIATION ORDINANCE

Mayor Jones opened the floor for a Public Hearing regarding the Budget, CSP and Budget Appropriation Ordinance. Notice of the Public Hearing was published in the *Danville Register & Bee* on May 26, 2023. No one present desired to be heard and the Public Hearing was closed.

Upon **Motion** by Council Member Buckner and **second** by Council Member Campbell, a Resolution entitled:

RESOLUTION NO. 2023-06.03

A RESOLUTION APPROVING THE BUDGETS OF THE VARIOUS FUNDS OF THE CITY OF DANVILLE FOR THE FISCAL YEAR ENDING JUNE 30, 2024.

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

A Resolution entitled:

RESOLUTION NO. 2023-06.04

A RESOLUTION APPROVING THE FISCAL YEAR 2024 CAPITAL AND SPECIAL PROJECTS PLAN FOR THE CITY OF DANVILLE, VIRGINIA

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

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An Ordinance entitled:

ORDINANCE NO. 2023-06.09

BUDGET APPROPRIATION ORDINANCE FOR FISCAL YEAR 2024.

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

COMMUNICATIONS

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

Council Member Hood commended Council Member Buckner on a successful food truck rodeo this past weekend and a shout out to the citizens in the Virginia Beach/Tidewater area with the R&B Explosion featuring different artists at the Carrington Pavilion.

Council Member Mayo congratulated Council Member Buckner on a successful event; there was so much going on in Danville. PLAN Danville was doing a great job and had a great event. The Chamber of Commerce award ceremony was phenomenal, and congratulations to the class of 2023.

Vice Mayor Miller commented on Caesar's giving back to the community with checks given to Hope Harbor and HAVEN in the amount of \$100,000 each. Dr. Miller noted it was sad to see what the newspaper was doing, with reduced papers and no more home delivery. Dr. Miller also discussed D-Day, his neighbor and family friends fought and the experiences they shared with him.

Council Member Saunders commented on the Register and Bee reducing operations and stated that his morning routine consists of getting his newspaper and reading it. Even though they can look at the paper digitally it was not the same as holding that piece of paper and reading local information. Mr. Saunders noted the City was growing, and thought the City Manager and his staff were doing an excellent job managing this growth. The decisions they have to make cannot please everyone, but it was clear in his mind that they have the entire City and all the citizens in mind as they make recommendations to Council and make decisions. To the City Manager and all 1100 plus employees, thank you so very much.

Council Member Vogler congratulated all the teachers, staff, and 2023 graduates.

Council Member Buckner noted his agreement with what Council Member Saunders said and thanked staff for everything they do every single day, it was truly amazing to see what they all do. There was not a question that gets thrown out there that they cannot answer, and Council really appreciates them for that. Thank you.

Mayor Jones noted this Saturday, graduation was taking place at Averett for G.W. High School and Galileo. To all the Danville Public School staff, thank you for a great year. They want to make sure their young people were safe as they celebrate this weekend. Mayor Jones thanked John Crane for all the work he does for the Register and Bee and for the City. Every phone call and questioning has been nothing but respectful and Mayor Jones noted he wanted to thank him for that.

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Meeting was adjourned at 8:21p.m.

APPROVED:

s/Alonzo L. Jones
MAYOR

ATTEST:

s/Susan M. DeMasi, CMC
CITY CLERK